

THE MADRAS LEGISLATIVE COUNCIL.

Thursday, the 24th February 1955.

The House met in the Council Chamber, Fort St. George,* at half-past two of the clock, Deputy Chairman (SRI A. M. ALLAPICHAJ) in the Chair.

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

I.—CONDOLENCE RESOLUTION ON THE DEATH OF SRI A. VAIDYANATHA IYER.

DEPUTY CHAIRMAN :—“ I regret to have to announce to the House the death of Sri A. Vaidyanatha Ayyar, a former Member of the Madras Legislative Assembly.”

* THE HON. SRI M. BHAKTAVATSALAM :—“ Mr. Deputy Chairman, I move—

‘ That this House places on record its deep sense of sorrow at the demise of Sri A. Vaidyanatha Ayyar, a former Member of the Madras Legislative Assembly from Madurai, and conveys its sympathy to the members of his bereaved family.’

Sir, it was indeed a very shocking news that we saw this morning. I heard only last evening about Sri Vaidyanatha Ayyar's illness and I intended to see him this morning. But I could see this morning only the news that he was no more. Most of us have known Sri Vaidyanatha Ayyar and this shocking news must have depressed every one of us seriously and particularly those who have had opportunities of coming into close contact with him. Sir, I need not describe the feelings which everyone of us has at the passing away of Sri Vaidyanatha Ayyar so suddenly. Sir, I have had opportunities of coming into close contact with him in the last 25 years. I know that sometimes he differed seriously from the attitude of the organisation or the policies of the Government with which I was connected. But I would like to mention that he was uniformly kind to me all through. He may express his opinions very strongly against certain stands and certain policies. But, in spite of his strong expression of views and blunt expression of views, there was no rancour in him. Sir, earnestness, sincerity and a sense of sacrifice were the main features of his personality. He was uniformly devoted to great leaders, Mahathma Gandhi and Sri Rajaji. I know, Sir, that sometimes he was not able to appreciate the stand taken even by these leaders. But still, he dared not differ from them and he had an unflinching loyalty and devotion to these two great leaders.

“ Sir, Sri Vaidyanatha Ayyar unhesitatingly responded to the call of the nation whenever it came. When Mahathma Gandhi, at the initial stage of the non-co-operation movement, asked the lawyers to suspend their practice, Sri Vaidyanatha Ayyar, a very successful lawyer that he was at that time, came forward and

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suspended his practice for six months. Then, when he participated in the satyagraha movement and the civil disobedience movement and went to jail, he had a very lucrative practice and he could easily realise the risk that was involved in his going to jail regarding professional prospects. But still, he did not mind that risk and he carried on happily in spite of the sacrifice that was involved in such life. Even when he was in jail, I can very well remember the motherly interest he was evincing and the motherly service that he was doing to his co-prisoners. I still remember the interest with which he distributed food to the other prisoners day and night. Although he could not have any income when he was in jail, he liberally spent whatever he had earned before. He was not only helping the needy co-prisoners in the same jail in which he was, but was also affectionately enquiring about the conditions of lady political prisoners who were in the neighbouring jails. Sir, in 1931-32, women Congress Workers had to go to jail in large numbers and they were put in women jails. They were suffering on account of so many disabilities. I very well remember how Sri Vaidyanatha Ayyar used to enquire with interest about their condition and needs and how he was lavish in catering to the requirements of the Congress women prisoners in the women jail. Besides catering to the physical needs of the prisoners, I remember how Sri Vaidyanatha Ayyar served them in a number of other ways. With piety, devotion and love for the Tamil language, he started reading the great Tamil literature, '*Tiruvoimozhi*' and all the 1,000 hymns during the course of the few months that we were in jail. Under the guidance of Sri Rajaji, Sri Vaidyanatha Ayyar took keen interest and earnestly read and explained the meaning of these fine Tamil verses to those prisoners who were with him. In this way, even when he was in jail, he did not miss serving his co-workers. He was a sincere enthusiast in constructive work. In spite of the leading part that he played and could play in the political movement, he never got into the Congress organisation as such seriously although he was zealously carrying out the constructive programme and did not miss going to jail whenever the nation called upon the people to do so.

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P.m.

" Sir, in 1940, when the *individual satyagraha* movement was started by Mahatma Gandhi, Mr. Vaidyanatha Ayyar was anxious to participate in it, although he was not a member of the Legislature then and not even a member of the district or provincial or All-India Congress Committees. But it was Mahatma Gandhi who enjoined on him that in the interests of the continuance of constructive work, he should not offer satyagraha and court imprisonment.

" Sir, as hon. Members are aware, Mr. Vaidyanatha Ayyar was a great lawyer. He was highly respected by the Judges before whom he appeared. He was very popular among the clients who sought his aid. In spite of pre-occupations in public work, people did not hesitate to engage him. I have myself seen that when clients were there in his house waiting to instruct him, each one anxious about his own case, Mr. Vaidyanatha Ayyar would first

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speak to them elaborately about the various public questions that were attracting the attention of the people at the time. But the clients did not mind this. They knew his patriotism. They knew that in spite of his interest in public affairs, he was a thorough and efficient lawyer. Therefore, clients flocked to him so that one could say that in the Madurai court, he was representing invariably one of the two sides in all cases.

" Then, Sir, he had his concern for the condition of public workers. He never failed to help them materially. He would not of course hesitate to point out their short-comings. He would put it in a blunt way, sometimes, even in an offensive way, but there was no rancour in him. After all this, he would be liberal in his help to those poor workers. Many hon. Members of this House also have known and enjoyed Mr. Vaidyanatha Ayyar's lavish hospitality. Sir, only recently a circuit house has been constructed in Madurai for visitors from outside the district. But before that was constructed, Mr. Vaidyanatha Ayyar's house was the travellers' bungalow for many of us, who had to go to Madurai for some work or other.

" Hon. Members are aware that he was a great legislator. He was a Member of the Legislative Assembly from 1946 to 1952. I still remember, whenever he spoke in the House, Members on all sides of the House used to listen to him with rapt attention. He was thorough with the subjects that were before the House. When he spoke on a particular subject, he did it with all earnestness. Even when he criticized the attitude of the Government with regard to any matter, there was no misunderstanding of his stand. In fact, there was appreciation from every side of the House of his stand. He was also very keen in nurturing his constituency and I can personally testify to this fact. Not only did he not mind his professional work and came away from Madurai and remained here during the sessions of the Assembly, but when he went back to Madurai, in addition to his heavy professional work, he would not miss any opportunity of attending to the needs of his constituents and bringing them to the notice of the Government so that relief to the needy people could be arranged in time.

" Sir, of all the items of public service which he rendered and which could be considered as his contribution, the greatest achievement was his service in the cause of Harijan uplift. He played a very great part in improving the condition of these downtrodden people. He was popular among all the Harijans, even among his critics and those who were critical of the Government's programmes. He was uniformly popular among the Harijans. Sir, we claim with pride that this State was foremost in effecting that revolutionary reform in our society, namely, throwing open our great temples to a section of the Hindus, who had as much faith in these temples as others and yet who were not allowed inside these temples. The credit for this achievement goes entirely to Mr. Vaidyanatha Ayyar. We no doubt passed legislation and the enactment is there. Under the present law, no one can prevent the

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entry of Harijans into any temple. But how did the previous Government come about to pass this legislation? It was Mr. Vaidyanatha Ayyar who gave a bold and patriotic lead. He got the great temple at Madurai thrown open to Harijans. It was a *fait accompli* and Rajaji, who was the Chief Minister of this State then, came forward to introduce necessary legislation not only to indemnify that act but also to regularize the law with reference to entry of Harijans into temples.

“ Sir, Mr. Vaidyanatha Ayyar was suffering from this ailment some time ago and underwent treatment. He got better. But he did not hesitate to accept the invitation from Vedaranyam, particularly, when he knew that Rajaji was going over there to participate in a function connected with an institution in Vedaranyam. He unhesitatingly, even disregarding the advice of doctors, ran up to Vedaranyam to participate in the function. He came back only a few days back. I have been told that it was this venture, this rash venture, this patriotic venture on his part without minding his own health, that hastened his death. I can only say that his death is literally an irreparable loss to this State and more particularly to Madurai. It cannot be repaired at all. I can only offer to the members of the bereaved family this solace that we Members of this House and all those outside this House do share this poignant sorrow that is suffered by the members of the family at his death.

“ I commend the resolution for the acceptance of the House.”

DR. V. K. JOHN :—“ Mr. Deputy Chairman, Sir, I associate myself and the Opposition with the Motion that the Leader of the House has moved and the tribute he has paid to the departed soul. Mr. Vaidyanatha Ayyar was one of the greatest citizens of this country and this House mourns his death.

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p.m.

“ As a patriot, he had few equals and his sacrifices for the cause of the country and for the service of the poor were very great indeed. He had a personality of his own that endeared many a one who came in contact with him. His simplicity and sincerity, his frankness, may I say his bluntness, his conviction and his deep learning attracted everyone to him. As a member of the previous Legislative Assembly and as a member of the Congress Party he was never a ‘rubber stamp’. I have heard him and read the reports of his speeches and I have always found and everybody knew that his criticisms were not based on any animosity to his party or to the Opposition, or to any particular person, but his criticisms were always borne out of his conviction. He spoke according to his conviction, whether it was for the Government or against the Government. He was really a great man. He was a lawyer by profession and a leader. We can find only very few men like Mr. Vythianatha Ayyar in our country. Once again I associate myself with the sentiments expressed by the Leader of the House.”

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SRI V. CHAKKARAI CHETTY :—“ Mr. Deputy Chairman, Sir, it was with a deep sense of sorrow that I read this morning the news about the passing away of Mr. Vythianatha Ayyar. I came to know of him when I happened to attend a political conference that was held in Madurai and he was good enough to entertain me in his house with his hospitality, to which reference was made by the Leader of the House. He was not a mere politician but he was a social force generating power in all directions and strengthening the social field of righteousness in our country by his righteous conduct and moral life. Therefore it is that I felt this morning, when I read this news, that the Tamil country had lost a great force in him which will be very difficult to replace. Therefore it is that I associate myself with the sentiments that have been expressed by member after member here in this House so that his family may receive some consolation, though not the fullest consolation which could only be given by God Almighty, in the bereavement they have sustained in the passing away of the head of their family and the void created in the field of social righteousness and reform in Madurai and throughout the Tamil country. Therefore it is that I want to associate myself heartily with all the sentiments that have been expressed. I hope the speeches we are making here may be transmitted to the members of his family so that they may have an idea of the appreciation and esteem in which his memory is still cherished in the minds of the Tamil people, so that it may be an inspiration to them in this hour when everyone in his family would individually be full of emotions. Our words of appreciation may be of some solace to them. He was one of the great sons of Tamilnad. He was no doubt inspired by Rajaji with social service. But, I do not think personal ambition played any role at all in his life. ‘A noble mind bereft of personal ambition’ as Milton’s object was, could truly be said of Mr. Vythianatha Ayyar. Therefore it is I felt always attracted to his dignified personality. It was a ‘social dynamo’ emanating its laurels in all directions for the amelioration of the social and other economic conditions of our people. I also remember him asking question relating to the amelioration of the working class. He was in full sympathy with the working class although he felt at times that some of us had gone too far in our denunciation of capitalism. All the same I felt the importance of his dignified personality in various fields of activity in the Tamil country. As I have said, he was a politician only in name in the purely political field. But he was more than a politician, a deep social force, a social dynamo and inspired confidence in the minds of all people with whom he came into contact. I am not acquainted with him in his work as a lawyer because I did not move with him in the capacity of a lawyer. As a social reformer, as one who worked ceaselessly for the welfare of the Harijans and the amelioration of the conditions of the depressed classes, we have only a few equals to Mr. Vythianatha Ayyar. His was a great soul. I once again associate myself with the fine sentiments expressed by the Leader of the House and hope that our words of appreciation will in some way be of

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some consolation to the members of his family in the bereavement that has fallen upon them. Our words of appreciation would be something valuable to them and I hope that this resolution of ours would not be a mere resolution but one which would bring great consolation and satisfaction to the members of the bereaved family. With these words I once again express my deep appreciation of his great and dignified personality in various fields of social activity which personality worked ceaselessly for the betterment of the depressed classes."

* SRI C. RAJAGOPALACHARI :—" Mr. Deputy Chairman, Sir, when grief is poignant and personal it is difficult to join in paying tributes in a more or less formal manner as should be done on this occasion. As I have often observed the only language in which we could express grief is the language of the child and not in words. It gave me great consolation to hear the Leader of the House speak on many of the qualities and things with which we associate Sri Vythianatha Iyer's memory. It is difficult to remember when emotions have been disturbed.

3 p.m. " Everyone knows that it was an uncommon soul that inhabited Sri Vaidyanatha Ayyar's body. Rarely have we seen men of his type, and it is great shock to us when premature death takes such people away from us. Sri Vaidyanatha Ayyar shares with only one that I remember the glory of building Tamilnad as it is to-day. If in the Gandhian era, Tamilnad has played its part honourably and well, it is due to two men, namely, Dr. Rajan who passed away some time ago and Sri Vaidyanatha Ayyar who passed away yesterday. Whether it be the cause of independence, whether it be the cause of social reconstruction, or whether it be the maintenance of that character which is necessary to maintain a free national life, in all these steps I can say without exaggeration that Sri Vaidyanatha Ayyar was one of the primary builders of our State. We had in Sri Vaidyanatha Ayyar one who hated untruth, one who hated any form of fraud or malpractice. He hated injustice and he hated to see suffering. In fact his sensitive soul was his great feature. He could not contain himself if anything went wrong morally round about him. Sometimes this became a difficult thing for his friends who had to manage political and national life with much accommodation. Sri Vaidyanatha Ayyar could not understand these compromises which are forced upon the leaders of public life. That is why I sometimes advised him not to torture himself by being in political life. I have often told him ' You are not the man for politics because it causes pain to you, and you should avoid it '. But it is such men who purify and ennoble politics, and he did it during all these great years in our national history. I need not go further than mentioning these things in a general way. Last evening I was with him till half past five. It was a pleasure to see the brightness in his face, and I thought that there was no crisis yet although he was breathing with great difficulty on account of the very enlarged spleen and liver which he had to carry. I felt and

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told the doctor that his vitality was strong and that he could be saved. But it could not be done, and he has left us prematurely. He did not wish to die. He wished to work. It is a great loss as was observed—an irreparable loss as everybody knows. Beyond those who were publicly associated with him in national work, thousands have received assistance from him who would all to-day mourn. The greatest quality in him was his intense pain at seeing anything wrong and his intense benevolence. He could not suffer seeing people in difficulties. He helped people until one may say he found there was no end to that kind of work. We have lost a very uncommon soul. Reference was made to his share in the temple entry movement. It is not an exaggeration if I say on the floor of this House that it was due to his intense and earnest thought on the subject and his personality that the temples in South India stand open to Harijans now. But for him I do not know whether we would have taken this revolutionary and courageous step at all. We might have expressed sympathy. We might have done a lot of social work. We might have done a hundred other things. But I do not know if we would have interfered with the normal course of religious practice but for his courageous initiative. It was not a small village temple, but it was the great temple of Madurai which, urged by his conscience, he trespassed into with Harijans before the law was made which could justify that step. He did it in a most pious, orderly, and devoted manner. It was a step which can be ranked with some four or five events in the world where men disobeyed the law for the sake of conscience. I remember very well in this House how such a keen reformer like the Rt. Hon'ble V. S. Srinivasa Sastriar opposed the Indemnity Bill which I moved, and which was necessary to be moved to save legal action against Sri Vaidyanatha Ayyar as a result of what I called trespass for the sake of conscience. That is why I say but for his initiative I am not sure how our progress in this matter would have fared. If to-day Madras has a good record in respect of the removal of untouchability to show against the rest of India, it is entirely due to Sri Vaidyanatha Ayyar's courage and his conscience. It is not given to many to play the part he played in all the aspects of the Gandhian revolution in India. It fills me not only with grief, Mr. Deputy Chairman, but with shame that I am standing here to join in the offering of tributes to one who was younger and who has passed away before his time".

* THE HON. SRI B. PARAMESWARAN :—“ Sir, Sri Vaidyanatha Ayyar was one of the sincere men who worked for the elevation of Harijans and depressed classes. It is very rarely that we come across such persons who work with not only sincerity but also with earnestness to see that those who are downtrodden are uplifted. Sir, in his death the community has lost one of the doughty champions. The work he did as Rajaji has now narrated

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can only be measured when we compare the position of the community now with the position it occupied some years ago, say, 15 or 20 years ago. That was a time when nobody dared to come forward to take up the cause of the Harijans. We find today there are a number of persons vying with one another to speak on behalf of the Harijans. Those were days as I said, when people who came forward to speak for or champion the cause of Harijans were considered as enemies of the country. In those days when untouchability was very acute, Sri Vaidyanatha Ayyar came forward to speak for the Harijans and worked on their behalf. Particularly, I should like to mention the great effort that he took to secure the entry of Harijans into temples. I am sure it will be written in letters of gold in the history of our country and will be treasured in the affectionate recollections of generations yet unborn. He has done yeoman service and was doing it till his last day. He served the poor people irrespective of their caste or community. Even a few days ago, I received letters from him. At times, at 12 o'clock in the dead of night he used to speak to me over the phone about certain matters concerning the Harijans. He was ever alive to their problems and as I said, in his death, the Harijan community has lost a doubtful champion. I associate myself with the feelings expressed on the floor of the House and pray that his soul may rest in peace."

*SRIMATHI R. S. SUBBALAKSHMI :—“கனம் உப தலைவர் அவர்களே, இந்தியாவின் உத்தமமான தலைவர் ஒருவர், இந்திய மாதாவின் உத்தமப் புதல்வர் ஒருவர், ‘நின்றான், இருந்தான், கிடந்தான், தன் கேள் அலறச் சென்றான்’ என்பநதலுக்கொப்ப, நம்மை விட்டுப் பிரிந்தது நமது துர்ப்பாக்கியந்தான். இன்றைக்குப்பாரை நாளைக்கிருப்பார் என்று எண்ணவோ திடமில்லையே என்பதற்கொப்ப, நேற்றுவரை நம்முடன் கூட யிருந்த மீ வைத்தியநாதய்யர் அவர்களை திடீரென்று எதிர்பாராத விதமாக நாம் இழக்கும்படியான விட்டது நாமெல்லோருக்கும் மிகுந்த வருத்தத்தை அளிக்கிறது. ஏழு அல்லது எட்டு வருஷங்களுக்கு முன்புதான் அகில இந்திய மாதர் சங்க மகாநாட்டிற்காக எங்களில் சிலர் மதுரைக்குச் சென்றிருந்த பொழுது அவரைச் சந்திக்கும்படியான பாக்கியம் ஏழை எனக்குக் கிட்டியது. அவர் உயர்ந்த நோக்கங்கள் கொண்டவர் ; எளிய வாழ்க்கை நடத்துபவர் ; நிதர்சனமான லட்சிய புருஷர் என்பதில் சந்தேகமில்லை. ‘சென்றகரிய செய்வார் பெரியர்’ என்பதற்கொப்பாக விளங்கினார். பேச்சளவில் எதையும் செய்கின்றதாகச் சொல்லுபவர்கள் பலர் ; ஆனால் அனுபவத்தில் செய்து காட்டுபவர்கள் வெகு சிலரே. அப்பேர்ப்பட்ட பெரியார் மீ வைத்தியநாதய்யர் என்று சொல்லலாம்.

“சென்ற பத்து நாட்களுக்கு முன்புதான் வேதாரண்யத்திலுள்ள குரு குலத்தில் அன்னபூர்ணையத் திறப்புவிழாவிற்கு தலைமை வகித்தார். இரண்டு மாதங்களுக்கு முன்பு சென்னையில் அவர் தங்கியிருந்த நர்ஸிங் ஹோஸ்பித் தன்னை வந்து பார்ப்பதற்கு அனுமதித்தார். ஒரு மணி நேரம் பல விஷயங்களைப்பற்றி பேசினார். நான் அங்கே சென்றபொழுது அவர் பேசிய ஒவ்வொரு விஷயமும் அர்த்தபூர்வமானிருந்தது. பெண்களின் முன்னேற்றத்துக்காக அரும் பாடுபட்டு, அநேக நிர்மாணத் திட்டங்களை வகுத்து அவற்றை அனுபவத்திலும் நடத்திக் காட்டியவர். தாழ்த்தப்பட்டவர்களின் முன்னேற்றத்துக்காக வெகுவாகப் பாடுபட்டிருக்கிறார். ஆஷயப் பிரவேச இயக்கத்தை முதல் முதலாக மதுரையில் துவக்கி வைத்து, ஆதித் திராவிடர்களை கோயில்களில் அனுமதிப்பதில் முன்னணியில் நின்றார். அவருடைய மனைவி, குழந்தைகள் எல்லோரையும் பார்க்கும்பொழுது எவ்வளவு ஒரு உத்தமமான லட்சிய வாழ்க்கை நடத்தி வரும் தம்பதிகள் என்று நிரம்பவும்

24th February 1955] [Srimathi R. S. Subbalakshmi]

சந்தோஷமாகயிருந்தது. அப்படிப்பட்ட மஹா புருஷரை நாம் இழக்கும்படியான துர்பாக்கியம் நேரிட்டது குறித்து நாமெல்லோரும் மிகவும் வருத்தப்படுகிறோம். எல்லோருடைய சார்பாகவும் நம்முடைய அனுதாபத்தை அவருடைய தர்ம பத்தினி அவர்களுக்கும், அவருடைய புதல்வர், புதல்வி களுக்கும் தெரிவித்துக்கொள்வோமாக.”

* SRI V. BHASHYAM AYYANGAR :—“ Mr. Deputy Chairman, I wish to join in the tributes of love and respect that have been paid to the late Mr. Vaidyanatha Iyer. Perhaps, in this House I have known him for the longest period, because I have known him for the last 40 years. He practically started his practice of law before me when I was the District Munsif at Tirumangalam in Madurai district. He was then a young man of about 25 years. Though he resided in Madurai, as Tirumangalam was very near Madurai, he used to appear in several cases before me at Tirumangalam. I have great respect for his ability as a lawyer. As a rising, young, capable and able lawyer, he used to devote the greatest attention to the work which was entrusted to him. Our friendship which began at that time continued till the date of his death. It was a great shock to me to read the news in the papers this morning about his death. He was not only a great lawyer, but also a great worker in the cause of the poor and the depressed. As has been expressed by the speakers who have spoken earlier, the work that he did for the abolition of untouchability was supreme and was unique and unequalled so far as Madras was concerned. He was also a great patriot who worked for the good of the country. I remember that in 1929-30, when he was sent to Vellore jail in connection with some political case, I was the District and Sessions Judge at that place. Then I had the honour of calling on him in the jail. I have a vivid recollection of how he was at that time in the jail. When I went to the jail he was reclining on an easy chair with *vibhuthi* on his forehead and was having a pleasant conversation with the co-prisoners.

“ He has done very valuable service in the cause of not only the country, but for the benefit of the depressed classes. He was a very straightforward and honest man as pointed out by Rajaji. His lavish hospitality was very well known. His house in Madurai was a ‘chatram’ so to say. Anybody and every body that went to Madurai could go to his house and have food there without regard to caste, creed, or religion. He was a very lovable man and it was a privilege to be associated with him. After the comprehensive speech made by the Hon. the Leader of the House and our revered Rajaji, many words of mine are not necessary on the motion that has been moved by the Hon. Leader of the House. I consider it a privilege to join in the tributes which have been paid to him. I hope the motion and the sentiments of sympathy expressed here will be conveyed to the members of his family.”

* SRI N. ANNAMALAI PILLAI :—“ கனம் உப தலைவர்களே, சென்ற 3-20 முப்பது வருடங்களாக நமது நாட்டின் விடுதலைக்குப் போராடிய ஒரு வீரனை P.m.

[Sri N. Annamalai Pillai] [24th February 1955]

நம் தேசம் இழந்துவிட்டது. மகாத்மா காந்தி அடிகளால் கொண்டு வரப் பட்ட நிர்மாணத் திட்டங்கள் அனைத்தையும் நிறைவேற்றுவதில், தென்னிந்தியாவில் முன்னணியில் நின்று அவைகள் வெற்றி பெறுவதற்காக கிரியாமசையில் தானும் தன் கடமையைச் செய்து, பிறரையும் செய்யும்படித் தூண்டிய பெருமை நமது தலைவர் ஸ்ரீமான் வைத்தியநாதய்யர் அவர்களுக்கே உரித்தாகும். அதுமட்டுமல்ல, இந்த தேசத்திலுள்ள எல்லா வாலிபர்களையும் தட்டி எழுப்பி, இந்த தேசத்தின் போராட்டத்தை உருவகப் படுத்தி வைத்தார்.

“1922-ம் ஆண்டிலே ஆயிரக் கணக்கான மக்களை தேசியப் பணியில் ஈடுபடச் செய்து, சுமார் 200 பேர்களுக்கு மேல் கள்ளக் கடை மறியலில் பங்கு எடுத்துக்கொள்ளும்படி செய்து, அவர்களை ஜெயிலுக்கு அனுப்பி வைத்தார், மேலும் ஸைமன் கமிஷன் பகிஷ்காரத்தின் போது அவர் செய்த வீராவேசமான காரியம் பாராட்டுதற்குரியது. ஸ்ரீ வைத்தியநாதய்யரும், காலம் சென்ற ஜோஸப் அவர்களும் தமிழ் நாட்டில் ஸைமன் கமிஷன் பகிஷ்காரத்திற்கு போதிய ஆதரவளித்தார்கள். காலம் சென்ற ஸ்ரீ ஸ்ரீனிவாஸ் அய்யங்கார். ஸ்ரீ சத்தியமூர்த்தி போன்றவர்கள் ஸைமன் கமிஷன் பகிஷ்காரத்தில் முக்கிய பங்கு எடுத்துக்கொண்டதினாலே அந்த பகிஷ்காரம் வெற்றிகரமாக நடந்ததோடு மட்டுமல்லாமல், இந்த தேசம் பூரண சுதந்திரம் அடைவதற்கு அடிக்கோலியாகவும் நுந்தது. நமது தலைவர் ராஜாஜி அவர்கள் தலைமைப் பதவி ஏற்றுக்கொண்டு அரசியல் போராட்டம் நடத்திய ஒவ்வொரு சமயங்களிலும் ஸ்ரீமான் வைத்தியநாதய்யர் அவர்களும், டாக்டர் ராஜன் அவர்களும் முன்னணியில் நின்று பெரும் தொண்டு செய்து வந்தார்கள். அப்படிச் செய்து வந்ததால்தான் நமது தேசம் சுதந்திரம் அடைய முடிந்தது. நமது தேசத்தில் முக்கியமான தலைவர்களை எண்ணிப் பார்த்தால் இருபது பேர்களுக்கு மேல் இராது. அந்த இருபது பேர்களில் ஸ்ரீ வைத்தியநாதய்யர் ஒருவர்.”

“தீண்டாமையை ஒழிப்பதற்கு மதுரைக் கோவிலை ஹரிஜனங்களுக்குத் திறந்து விடுகிற பொழுது தமிழ் நாடே அதிர்ச்சி அடையும் நிலையிலிருந்தது. எவ்வளவு கொலைகள் நேருமோ, எவ்வளவு தூரம் ரத்த ஆறு ஓடப் போகிறதோ என்று எல்லோரும் நடுங்கிக்கொண்டிருந்த காலம் அது. அப்பொழுதான் மதுரையம்பதியில் ஸ்ரீ வைத்தியநாதய்யர் ஹரிஜனங்களின் ஆலயப் பிரவேசத்தை நடத்தி வைத்து, தமிழ் நாட்டிற்கு மட்டுமல்லாமல் இந்தியாவுக்கே ஒரு வழி காட்டியாக விளங்கினார். இப்படிப்பட்ட பெரியாரை நாம் இழக்க நேரிடது நமது துரப்பாக்கியமே.

“சென்ற பத்து தினைகளுக்கு முன்புதான் அவர் வேதாரணயத்திற்குச் சென்று வந்தார். வேதாரணயத்தின் மகிமையைப்பற்றிச் சொல்வதற்கு இப்போது நேரமில்லை. 1930-ம் வருடத்தில் அங்கே உப்பு சத்தியாக்கிரகம் நடந்த பொழுது தொண்டர்களை ஆதரித்து, ஆட்களை அனுப்பி வைத்து, ஆங்கில ஆட்சியை ஸ்தம்பிக்கச் செய்வதற்காக அவர் செய்த சேவை பாராட்டுதற்குரியது. நமது தலைவர் ராஜாஜி அவர்கள் திருச்சியிலிருந்து வேதாரணயத்திற்குக் கால் நடையாகச் சென்ற பொழுது, என் போன்றவர்கள் அவர்களுடன் முன்னணியில் செல்லுகின்ற காலத்தில் எங்களுக்கு வேண்டிய பாதுகாப்பெல்லாம் கொடுத்து, சத்தியாக்கிரகத்தை திறம்பட நடத்துவதற்கான ஆதரவு அளித்து வந்தார். சரித்திரப் புகழ் பெற்ற இந்த உப்பு சத்தியாக்கிரகம் வெற்றி கண்ட இடத்தை கடைசியாகப் போய் பார்த்துவிட்டு இன்றைய தினம் நம்மை விட்டுப் பிரிந்துவிட்டார். இந்தப் புனிதமான இடத்தைப் பார்த்த பிறகு, தான் போராடி வெற்றி கண்ட பழைய நினைவுச் சின்னங்களால் ஏற்பட்ட உணர்ச்சிதான் அவரைக் கொன்றுவிட்டதோ என்று நான் நினைக்கிறேன். காங்கிரஸ்காரர்களுக்கு மட்டுமல்லாமல், வெள்ளை ஆட்சியை ஒழித்துக் கட்டுவேன் என்று சொல்லிய இதரக் கட்சிக்காரர்களுக்கும் கூட, நல்ல சமயங்களில் அவர் ஆதரவளித்துள்ளார். இதை நான் இப்போது எடுத்துச் சொல்லக் கடமைப்பட்டுள்ளேன். உப்பு சத்தியாக்கிரகமென்ன, வாள் சத்தியாக்கிரகமென்ன, நீல் சிலை சத்தியாக்கிரகமென்ன. இந்தப் போராட்டங்களிலெல்லாம் நானும் பங்கு எடுத்துக்கொண்டிருக்கி

24th February 1955] [Sri N. Annamalai Pillai]

நேன். ஒவ்வொரு போராட்டத்திலும் ஸ்ரீமான் வைத்தியநாதய்யரும், டாக்டர் ராஜனும் திடீரென்று வந்து அந்தந்த சமயங்களில் வேண்டிய ஆதரவு கொடுத்து, தமிழகத்துக்கு அரும் பெரும் பணி ஆற்றி வந்துள்ளனர். மதுரையம்பதி ஒரு புகழ் பெற்ற பிரதேசம். அப் புகழ் பெற்ற பிரதேசத்துக்கு பெருமை தந்தவர் ஸ்ரீ வைத்தியநாதய்யர். ராஜாஜி அவர்கள் எடுத்துக்கொண்ட ஒவ்வொரு காரியத்திலும் பங்கு எடுத்துக்கொண்டு அவருக்கு உதவி புரிந்துள்ளார். 1921-ம் வருடத்திலே சட்ட சபைத் தேர்தலின் போது அவர் காட்டிய உத்வேகமும், உற்சாகமும் வர்ணிக்க முடியாது. தேசத்திற்கே ஒரு வழி காட்டியாகயிருந்து அரும் பணி செய்த உயர்ந்த தலைவர். தேசத்தின் விடுதலைக்காக பாடுபட்ட ஒரு முக்கியமான பிரதான புருஷராக விளங்கியவரை நாம் இழந்து விட்டோம்.

“கம்ப்யூனிஸ்ட் கட்சியைச் சேர்ந்தவர்களுக்குக்கூட சில காலத்துக்கு முன்பு தேசத்தின் விடுதலையான் பிரதானம் என்று கம்ப்யூனிஸ்டுகள் கருதி வந்த காலத்தில் ஸ்ரீ அய்யர் அவர்கள் கொடுத்த ஆதரவு இவ்வளவு என்று சொல்ல முடியாது. இன்றைக்கு கம்ப்யூனிஸ்டு கட்சியை நம்முடைய விரோதி என்று நினைக்கிறோம். அந் நிலைமைக்கு அவர்கள் போய்விட்டார்கள். சோஷலிஸ்ட் கட்சியினருக்கும், மற்றும் இதர கட்சியினருக்கும் எவ்வளவோ ஆதரவு காட்டி வந்திருக்கிறார்.

“அவருடைய மனைவி, குழந்தைகளும் அன்னரின் குடும்பத்தாரும், மற்றும் பல லட்சக் கணக்கான பொது மக்களும் இன்று அவருடைய பிரிவினல் தவித்துக்கொண்டிருக்கிறார்கள். அவருடைய குடும்பத்தாருக்கு எனது மனமாற்ற அனுதாபத்தைத் தெரிவித்துக்கொள்கிறேன். அவருடைய ஆன்மா சாந்தியடைய எல்லாம் வல்ல இறைவனைப் பிரார்த்திக்கிறேன்.”

SRI A. CHIDAMBARAM :—“கனம் உப தலைவரவர்களே, ஸ்ரீ வைத்தியநாதய்யர் அவர்கள் காலம் சென்றதை இன்று காலை பத்திரிகை வாயிலாக அறிந்து துக்கப்பட்டவர்களில் நானும் ஒருவன். சென்ற முப்பது ஆண்டுகளாக அரசியல் துறையிலும், பொது வாழ்விலும் தீவிரப் பங்கு எடுத்துக்கொண்டவர் அவர். அவருடன் கூட ஊழியம் செய்யும் வாய்ப்பு எனக்குக் கிடைத்தது. எந்தப் பொது விஷயத்திலும் முன்னணியில் நின்று ஒரு வழி காட்டியாக விளங்கி, நல்ல ரீதியிலே மக்களுக்குப் பணி ஆற்றி வந்த தலைவர் ஸ்ரீ வைத்தியநாதய்யர். மதுரை அரசியல் துறையிலும், இதர பொது வாழ்விலும் வழி காட்டியாகயிருந்த ஒரு தலைவர் மறைந்து விட்டதால் ராஜ்ய நஷ்டத்துக்கு மேலாக, பெரிய நஷ்டத்தை மதுரை மக்கள் அடைந்துவிட்டார்கள் என்பதில் ஐயமில்லை. பொதுவாக தொழிலாளர்கள், ஏழைக் குடியானவர்கள், தாழ்த்தப்பட்ட மக்கள் இவர்களிடையே ஏற்படும் சச்சரவைத் தீர்த்து வைப்பதில் பெரும் பங்கு எடுத்துக்கொண்டு, தன் அலுவல்களைக்கூட விட்டு விட்டுக் கிராமம் தோறும் சென்று ஏழை மக்களிடையே சமாதானம் நிலை அரும் பாடு பட்டிருக்கிறார்.

“அவர் ஒரு சிறந்த வக்கீல். அவருடைய சம்பாத்தியம் பெரிய அளவிலேயே இருந்தது. அவர் வருவாயில் ஒரு சிறிய அளவையே தன் சொந்த அனுபவத்திற்கு வைத்துக்கொண்டு பாக்கிப் பணத்தை பொது மக்களும், ஏழைகளும் பயனடையும்படி பகிர்ந்து கொடுத்தார். அப்பேர்ப்பட்ட பெரியாரின் மறைவானது இன்று நாட்டில் மலிந்து வரும் ஏழைகளுக்கும், தொழிலாளர்களுக்கும், மற்றும் தாழ்த்தப்பட்ட மக்களுக்கும் பெருந்த நஷ்டத்தை உண்டாக்கியிருக்கிறது. அன்னரின் குடும்பமே அரசியல் துறையிலும் பெரும் பங்கு எடுத்துக்கொண்டதால் மதுரைக்கு நல்ல பெயரும், புகழும் ஏற்பட்டது. அப்பேர்ப்பட்ட பெரியாரை இழந்துவிட்டதினால் அவருடைய குடும்பத்தினரும் நாமும் துக்கக் கடலில் ஆழ்ந்திருக்கிறோம். அவருடைய குடும்பத்தாருக்கு இந்தச் சட்ட சபையில் நமது அனுதாபத்தை தெரிவிப்பதன் மூலம், அவர்களுடைய துக்கத்தில் நாமும் சிறந்த பங்கு எடுத்துக்கொள்வதாகயிருக்கும்.”

SRI MOHAMED RAZA KHAN :—“Sir, I just want to add a word or two to what has been said by several Members. Mr. Vaidyanatha Ayyar was a colleague of mine in the last

[Sri Mohamed Raza Khan] [24th February 1955]

Assembly and I do remember on this occasion the great part he played as a parliamentarian and as one who said what he had to say, without fear or favour, against the Government, when they went wrong. I make no exaggeration when I say this. He was sitting in this very hall, in some obscure corner, and making his contribution from time to time to the discussion of the various problems that came up before the House during the years 1946-1952.

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P.m.

“It was not possible for him to attend the Assembly session on all days. But whenever any important problem, whenever there was any important Bill or measure, Mr. Vaidyanatha Iyer will make it a point to attend the Assembly meeting and he was always there on those days. It was of the least consequence to him as to how his speech would be felt by the members of the Treasury Benches; it was of the least consequence to him whether he was against the current or along with the current; it was of the least consequence to him whether he was for or against the party in power; but whenever he felt he had a point of view and that point of view was what his conscience told him, he stuck to it and he will have his say and leave it at that. In fact I could say that many a young man who was in the last Assembly if he could say now that he had learnt something of parliamentary procedure, I could say it was due to Mr. Vaidyanatha Iyer. He would encourage young men and put them in the right way and make them do the right thing. I would like to say on this occasion, because references have been made to his intellect, that he was one of those who believed deeply in his conviction and it will not be sufficient if I do not mention about his noble heart. There were many instances in his life which could be a source of lesson for others to practise. May I say on this occasion, apart from his service in the cause of Harijan uplift (to which references have been made) that he did his best to make the Hindus and Muslims live happily. Unfortunate time it was when there was communal tension in Madura at one time. There was bitterness between Hindus and Muslims and in this also Mr. Vaidyanatha Iyer took a prominent part to do his best to reconcile the two. Things could have gone beyond control had not Mr. Vaidyanatha Iyer stepped into the field and quietened the atmosphere. It was told that Mr. Vaidyanatha Iyer fell flat on the road and said :

“Hindus or Muslims shall not fight unless it be over my dead body. Believe me when I say right from that moment, peace and amity prevailed in Madura between Hindus and Muslims. He is no more to-day. But really it is good to have played such a noble part in life. In conclusion I might say that his was a noble life, well spent and many of us who are young could very well take an example from it. May his soul rest in peace.”

* SRI A. SUBRAMANYAM :—“உப தலைவர் அவர்களே, நான் இன்று காலைதான் பத்திரிகையின் வாயிலாக ஸ்ரீ வைத்தியநாதய்யரின் மரணச் செய்தியை அறிந்து ஆழ்ந்த துக்கத்திற்குள்ளானேன். சென்ற முப்பது ஆண்டுகளாக, என் சிறிய பிராயத்திலிருந்தே அவருடன் கூடப் பழக

24th February 1955] [Sri A. Subramanyam]

வேண்டிய சந்தர்ப்பம் கிடைத்ததால் அவருடைய அரிய குணங்களை அறிந்து கொள்ள முடிந்தது. அவர் ஒரு பெரிய சட்ட நிபுணர்; சிறந்த மேதை; காந்தி அடிக்களின் உண்மையான பக்தர். கனம் ராஜாஜி அவர்கள் கூறியது போல் இந்த மாகாணத்தில் காந்தியின் உண்மையான சீடர்கள் யாரேனும் இருப்பார்களேயானால் அவர் ஸ்ரீ வைத்தியநாதய்யர் என்றுதான் சொல்ல வேண்டும்.

“ஒரு விஷயத்தை மட்டும் இங்கே குறிப்பிட விரும்புகிறேன். 1942-ம் ஆண்டில் பாகிஸ்தான் பிரிவினைப் பிரச்சனை, இராஜாஜியின் பாகிஸ்தான் பிரச்சனை எழுந்த பொழுது, கனம் ஸ்ரீ ஆஸப் அலி அவர்களைக்கொண்டு விசாரிக்க காங்கிரஸ் மகா சபை ஏற்பாடு செய்தது. ஸ்ரீ ஆஸப் அலி இங்கே விஜயம் செய்த பொழுது அவர் முன்னிலையில் இராஜாஜியின் செயலைக் குறித்து ஸ்ரீ வைத்தியநாதய்யர் மிகவும் சிறந்த முறையிலே வாதித்தார். அவர் வாதித்ததைக் கேட்ட ஸ்ரீ ஆஸப் அலி ‘உங்களைப் போன்ற மேதை, சிறந்த வழக்கறிஞர் இந்த மாதிரி வாதிடப்பதை நான் இது வரை கண்டதில்லை. உங்களைப் போன்ற சிறந்த மேதை மத்திய அரசாங்கத்தில் மந்திரியாக இருந்து, எங்களுக்கெல்லாம் வழி காட்டியாகயிருக்க முடியும்’ என்று அன்று கூறியது இன்று கூறுவது போலிருக்கிறது. அதுமட்டுமல்ல, ஸ்ரீ பிரகாசம் மந்திரி சபையில் கூட ஸ்ரீ வைத்தியநாதய்யர் ஒரு மந்திரியாக இருக்க வேண்டுமென்று வேண்டிக்கொள்ளப்பட்டது. அந்த வேண்டுகோளை அவர் ஏற்றுக்கொள்ளவில்லை.

“பொது ஜன சேவை செய்வதற்கு என்றும் ஊழியனாக இருக்கவே விரும்புகிறேன். பொது மக்களுக்குச் சேவை செய்வதுதான் என் கடமை” என்று சொன்னார். அத்தகைய மேதையை நாம் இன்று இழந்துள்ளோம். தாழ்த்தப்பட்ட மக்களுக்கு அவருடைய மறைவு மிகப் பெரிய நஷ்டமாகும். பிற்பட்ட வகுப்பினர், ஹரிஜனங்கள், பெண்கள், இந்த மூன்று சமூகத்தவர்களும் என்று சரிநிகரான சமத்துவம் பெற்று மேன்மை யடைகிறார்களோ, அன்றுதான் பூரண சுயராஜ்யம் அடைந்ததாகக் கருத முடியும் என்று அடிக்கடி கூறியிருக்கிறார். இந்த மேதையை இழந்தது நமக்கெல்லாம் மிகுந்த வருத்தத்தைக் கொடுக்கிறது. இந்த சட்ட சபையின் ஆழ்ந்த அனுதாபத்தைத் தெரிவிக்கும் இந்த சந்தர்ப்பத்தில், அன்னரின் குடும்பத்தினருக்கு நானும் எனது அனுதாபத்தையும், வருத்தத்தையும் தெரிவித்துக் கொள்வதுடன் அன்னரின் ஆத்மா சாந்தியடையப் பிரார்த்திக்கின்றேன்.”

SRI A. GAJAPATHY NAYAGAR :—“கனம் உபதலைவர் அவர்களே, ஸ்ரீ வைத்திய நாதய்யரை நான் முதல் முதலாக மதுரையில் முறை காவலராயிருக்கும்பொழுது கண்டேன். அவர் ஒரு சிறந்த வழக்கறிஞராகத் தோற்றமளித்தார். பேசுவதில் அதிக சாமர்த்திய முன்ளவர். எந்த விஷயத்தையும் நயம்பட உரைப்பார். பல பெரிய வழக்குகளை வாதித்திருக்கிறார். மேலும், இங்கே பேசப்பட்ட விஷயங்களிலிருந்து, நாட்டிற்குப் பல துறைகளிலும் அவர் சேவை செய்தது நன்கு புலனாகின்றது. எங்கே ஏழைகள் இருக்கிறார்களோ, எங்கே தாழ்த்தப்பட்ட மக்கள் இருக்கிறார்களோ, அங்கே அவர் மனம் செல்லும். ‘அன்பிற்கு உண்டு அடைக்கும் தாழ், ஆர்வலர் புன் கணர் பூசல் தரும்’ என்று திருவள்ளுவர் கூறியிருக்கிறார். மதி நலனும் குண நலனும் ஒருங்கே படைத்தவர். சில பேருக்கு மதி நலன் அதிகமாயிருக்கும், ஆனால் குண நலன் இருக்காது. மதி நலன், குண நலன் இரண்டும் சேர்ந்திருப்பது சாலச்சிறந்தது. நமது நாட்டில் தோன்றிய பல குறைகளுக்கும், குற்றங்களுக்கும், வைத்திய நாதய்யர் என்ற பெயருக்கொப்ப. நோய்களுக்கு வைத்தியம் செய்வதுபோல, ‘வைத்தியம்’ செய்திருக்கிறார். அவர் செய்த சேவை பாராட்டுதற்குரியது. ஆங்கில ஆட்சியில் ஒரு Official ஆக யிருந்த காலத்திலே, அவருடன் நெருங்கிப் பழகும் பாக்சியம் எனக்குக் கிட்டவில்லை. தமிழ் நாட்டில் பல விதத்திலும் அவர் மக்களுக்குத் தொண்டு செய்ததை நாம் மறக்க முடியாது. நேற்று நம்முடன் இருந்தவர், இன்று மறைந்து

[Sri A. Gajapathy Nayagar] [24th February 1955]

விட்டார். நெருளல் உளன் ஒருவன் என்று இல்லை என்னும் பெருமை உடைத்து இவ்வுலகம் சொல்லும். அன்னரின் மனைவி, மக்களுக்கு நமது அனுதாபத்தைத் தெரிவித்துக்கொண்டு, நாட்டிற்கு இன்னும் சேவை செய்ய அவர் காட்டிய வழியைப் பின்பற்றல் வேண்டும்.”

* SRI K. BHASHYAM :—“ Sir, when I read about the death of Mr. Vaidyanatha Iyer it was a great shock to me because I have not been made aware of the fact that he was laid up at all. In fact when he was present at Vedaranyam, six days before, I thought he had recovered from his illness and that he had become all right. Therefore, Sir, it was a great shock to me when I read about his death in this morning newspaper. Ever since I was associated with him for the last 30 years, I have not found a man better than what Mr. Vaidyanatha Iyer was. His chief quality was his loyalty to principles, loyalty to his friends and loyalty to his conviction. I think if only we analyse his character, his deep simplicity and his loyalty to his conviction would stand predominant. It is not for me to cover the whole ground again, since many of my friends have already traversed the field, but only to touch upon some of the great qualities which he had. In the profession which he took upon himself, namely that of a lawyer, he acted throughout according to his convictions. Unless he had the confidence that he would win the case, he would straightway tell the client that he would not take up the case. Such a loyalty to one's conscience is not to be easily found among all men. Mr. Vaidyanatha Iyer was a noble example in that regard. When we were in jail, some of us who were older than he, used to take lessons from him. It is my experience that only inside a jail one can exactly know what a man is like. It is there that we found that big leaders were after all men of clayey feet. It is the unusual conditions in jail life that bring out all the qualities of men which are really latent in them and which are not known to people outside. In jail we can see the imperturbability, hospitality and generosity of the people. Therefore it was a great privilege for me to be with him in jail on both the occasions. It is given to very few people to practise according to their conviction what they say. He practised untroubability wholly. I knew many cases where persons of the lowest class were living with him. His generosity is well known. In 1932 I was taking some part in the non-co-operation movement in Madras City. I took part in picketing and other things. He was then a great help to me. He was a person able to help me from Madura itself by sending many volunteers for the purpose of the work in Madras. But for the help rendered by him, it would not have been possible to complete the work which was taken up in 1932, and which brought to Madras some reputation in the matter of work in the cause of the freedom of this country. Such a big leader we have lost. He has left behind a great example of integrity, character and loyalty. I think, Sir, if we only remember these things and follow his example, we will be paying him the greatest homage.”

DEPUTY CHAIRMAN :—“ While associating myself with the handsome tributes paid to the departed soul, I wish to say one

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thing, because that is rather peculiar. Some time after my coming away from jail in 1942—or it may be 1943 or 1944—I had to go to Madurai. There one of my friends took me to Sri Vaidyanatha Iyer's house and introduced me to him saying 'He is Mr. Allapichai.' With very great affection and kindness he received me. I remember that even to-day. That was the only occasion I saw him, and after that I had no chance to see him. But the one occasion that I saw I can never forget. He impressed me as the kindest man, a very good man, a very straightforward man and an honest man. We have lost a great man. We are very sorry to have lost him. But we could not help, because it is God's grace.

"As a mark of respect to the memory of Sri A. Vaidyanatha Iyer and by way of passing the resolution, I would request hon. Members to stand in silence for a minute."

The resolution was passed *nem con* all the Members of Council standing.

II.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Working of the Co-operative Building Construction Societies, Cuddalore and Chidambaram taluks.

* 189 Q.—SRI M. ETHIRAJULU : Will the Hon. the Minister for Health be pleased to state—

(a) the amount of loan given to the Co-operative Building Construction Societies, Cuddalore and Chidambaram taluks, from the year 1947 up to date;

(b) the number of houses constructed by them out of that loan;

(c) the conditions for membership in this scheme; and

(d) how many persons owning two or more houses have been admitted as members in this scheme?

THE HON. SRI A. B. SHETTY :—“(a) Rs. 6,11,720.

“(b) Ninety-two houses have been constructed so far and 8 are under construction.

“(c) Any person over 18 years of age who is competent to contract shall be eligible for admission as a member, provided he is not a member of any other building society working in the same area. Minors also may be admitted through their legal guardians, for the purpose of joining in the execution of bonds, or as legal representatives of deceased members.

“(b) None.”

SRI M. ETHIRAJULU :—“May I know Sir, whether the Government will consider the question of prohibiting persons owning more than two houses from becoming members of the society?”

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THE HON. SRI A. B. SHETTY :—“ The question of disqualifying persons already owning houses from becoming members of the housing societies and obtaining State loans is under consideration, Sir.”

Training of Village Blacksmiths under the National Extension Service Scheme.

* 190 Q.—SRI M. ETHIRAJULU : Will the Hon. the Minister for Agriculture be pleased to state whether the Government have any proposal to train village Blacksmiths under the National Extension Service Schemes and, if so, the details thereof?

THE HON. SRI M. BHAKTAVATSALAM :—“ Yes, the Government have sanctioned a scheme for the establishment of a workshop at the Grama Sevak Training Centre, T. Kallupatti, for imparting training to the village blacksmiths.

“ The object of the scheme is to establish a workshop at one of the Extension Training Centres in this State for imparting training to the village level workers as well as to the village blacksmiths, carpenters and artisans of the neighbouring village in the manufacture and repairs of improved agricultural implements and in improved housing designs and construction. The workshop will have a Chief Instructor and two training officers, one each for smithy and carpentry. Each trainee will be given a stipend of Rs. 30 and hostel accommodation will be provided. Learning by doing will be the ideal method of training. In order to ensure that the trained men return to their trade in the villages after completion of their training and utilize the experience profitably, the Government will assist the successful trainees in obtaining suitable equipment to augment their village workshops by grant of takkavi or *ad hoc* loans recoverable in suitable instalments.”

Applications for takkavi loans from Cuddalore and other taluks.

* 191 Q.—SRI M. ETHIRAJULU : Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the number of applications received during the year 1952 from Cuddalore, Chidambaram, Villupuram and Tindivanam taluks for takkavi loans;

(b) the number of applications sanctioned; and

(c) the amount of loan disbursed during the year 1952?

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ The particulars are furnished below :—

	Cuddalore taluk.	Chidambaram taluk.	Villupuram taluk.	Tindivanam taluk.
	(1)	(2)	(3)	(4)
(a)	194	146	621	1,438
(b)	32	17	106	457
(c)	Rs. 16,100	Rs. 9,950	Rs. 40,360	Rs. 87,050

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Service conditions of Maistris in the Public Works and Highways Departments.

* 192 Q.—SRI T. PURUSHOTHAM: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether maistris of the Public Works and Highways Departments are treated as regular Government servants;

(b) whether they are eligible for confirmation, leave, allowance and service conditions as other Government servants; and

(c) if so, whether the Government will be pleased to place on the table of the House a copy of the Rules governing the service conditions of maistris of the Public Works and Highways Departments?

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—“(a) Maistris in the Public Works Department required continuously for the normal work of the Department are treated as regular Government servants. The question of according similar treatment to the maistris, now designated as Road Inspectors, in the Highways Department is under examination.

“(b) The answer is in the affirmative in respect of the maistris in the Public Works Department treated as regular Government servants. Other maistris in the Public Works Department who have not been brought on to regular establishment who are employed only casually with reference to the needs of expanding and contracting programmes and Road Maistris in the Highways Department are not eligible for the benefits.

“(c) A copy of the existing rules governing the conditions of service of the Maistris in the Electrical Engineer (General) Division of the Public Works Department treated as regular Government servants is placed on the table of the House. The question of issuing service rules in respect of such maistris in the Irrigation, General and Buildings branches of the Public Works Department and of the Road Inspectors in the Highways Department is under consideration.”

SRI T. PURUSHOTHAM:—“May I know, Sir, if these maistris are treated as those coming under superior service or they are classified as coming under inferior service?”

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—“Inferior service, Sir.”

SRI V. CHAKKARAI CHETTY:—“May I know whether those people are kept as casual labourers, whether they will be confirmed in their present job and if so how long will it take?”

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THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—"In the Public Works Department, we have regularised certain sections. There are some casual labourers whom we employ according as we take up our expansion programmes. In the Highways department, the matter of regularising their appointments is under consideration."

SRI T. PURUSHOTHAM:—"Will the Government consider the desirability of extending the rules applied to the maistris in the Public Works Department to those in the Highways Department also?"

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—"That is under the active consideration of the department, Sir."

Overtime allowance to the employees of the Madras Government Press.

* 193 Q.—SRI T. PURUSHOTHAM: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the employees of the Madras Government Press are asked to work overtime daily, and if so, the necessity for the same; and

(b) the total amount of (i) salary and (ii) overtime allowance paid monthwar to the technical employees of the Press from April 1954 to October 1954?

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—"A statement* is placed on the table of the House."

SRI T. PURUSHOTHAM:—"As more than 50 per cent of their salary is paid as overtime allowance, may I know whether it will not be better and more profitable to have regular employees during the regular working hours instead of resorting to overtime work?"

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—"Sir, we are short of some machinery. That is the reason for our resorting to overtime work. Anyway, it is an attraction for the workers. Once we expand the Press and get sufficient machinery we can employ regular workers on a permanent basis."

SRI T. PURUSHOTHAM:—"Will the Hon. the Minister for Public Works enlighten us as to whether there is any authority watching the need for such overtime work? Will the Government take effective steps to keep down the expenditure on overtime work by prescribing a return and having a check over such overtime allowances paid at Government level?"

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THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—“ That suggestion of the hon. Member can be considered, Sir. There is the Controller of Stationery and Printing who keeps a close watch over this work.”

SRI V. V. RAMASWAMI :—“ வேலைக்கு இயந்திரங்கள் எப்போது வரும் ? ”

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—“ Perhaps in the next budget, Sir.”

SRI K. BHASHYAM :—“ Is it not a fact that this overtime work is only seasonal? That is, this overtime work is resorted to when there is heavy work such as the budget session of the Legislature. That being so, is it not a fact that it will not be possible to employ persons on a regular basis? ”

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—“ Now practically we have got overtime work right through the year. Because, after the attainment of independence our work in the various fields has gradually been expanding. It will take some time before we can have an arrangement on a permanent basis.”

Application for acquisition of house-sites by Harijans of Kudamangalam.

* 194 Q.—**SRI M. ETHIRAJULU** : Will the Hon. the Minister for Religious Endowments and Transport be pleased to state—

(a) whether it is a fact that the Harijans of Kudamangalam, Cuddalore taluk, applied to the Revenue Divisional Officer, Cuddalore, about ten years back, for acquisition of sites for accommodation;

(b) whether it is a fact that they remitted Rs. 240 in that connection; and

(c) if so, the action taken by the authorities in the matter?

THE HON. SRI B. PARAMESWARAN :—“ (a) to (c) A sum of Rs. 201-10-0 was remitted into the Cuddalore Sub-treasury in February 1940, towards payment for site proposed to be assigned to the Harijans of Konamangalam village. But no records are available to verify the details of the remittance and to show whether actually land acquisition proceedings were started or not. On a representation, dated 11th March 1954 from the Harijans of Konamangalam, the question of acquisition of suitable lands for the extension of the cheri has been taken up and proposals are awaited from the Collector of South Arcot.”

SRI M. ETHIRAJULU :—“ குடமங்கலத்திலுள்ள ஹரிஜனங்கள் இன்னும் குடியிருப்பதற்கு வேண்டிய இடம் கிடைக்காமல் அவஸ்தைப்பட்ருக்கொண்டிருப்பதை சர்க்காருக்குத் தெரிவித்திருக்கிறார்கள். இந்தப் பணத்தைக் கொண்டு துரிதமாக நடவடிக்கை எடுக்க அங்கேயுள்ள ஜில்லா கலெக்டருக்கு சர்க்கார் தாக்கீது அனுப்புவார்களா ? ”

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THE HON. SRI B. PARAMESWARAN :—" We have asked the Collector to expedite the acquisition proceedings, Sir."

SRI V. V. RAMASWAMI :—" இந்த மாதிரி ஹரிஜனங்களுக்கு நிலம் கொடுப்பதிலே, பணம் ஒதுக்கப்பட்டு பல ஆண்டுகளாகியும், ஆர்ஜித நடவடிக்கைகள் எடுப்பதில் கால தாமதம் ஏற்படுவதினால், கால தாமத மில்லாமலிருக்க, சட்டத்தைத் திருத்துவதற்கு சர்க்கார் யோசிப்பார்களா ?"

THE HON. SRI B. PARAMESWARAN :—" The cumbersome procedure involved in the land acquisition proceedings has to be gone through. It is a Central Act and we cannot amend it here. However, we are asking the Revenue Board to submit us periodical reports as to the progress it has been making."

Grant of house-sites to Harijans in South Arcot district from 1951 to 1954.

* 195 Q.—SRI M. ETHIRAJULU : Will the Hon. the Minister for Religious Endowments and Transport be pleased to state—

(a) the extent of land acquired by the Director of Harijan Welfare in the South Arcot district for the purpose of grant of house-sites to Harijans during the years 1951-52, 1952-53 and 1953-54;

(b) the number of families provided with house-sites during the above period;

(c) the number of applications for house-sites not complied with during that period; and

(d) the reasons therefor?

THE HON. SRI B. PARAMESWARAN :—" (a) & (b)

Year.	Extent of land acquired. ACRES.	Number of families provided with house sites.
(1)	(2)	(3)
1951-52	0.22	6
1952-53	..	..
1953-54	6.72	92

" (c) Nil.

" (d) Does not arise."

Districts allotted to the Regional Inspectors of Local Boards.

* 196 Q.—SRI V. V. RAMASWAMI : Will the Hon. Minister for Local Administration be pleased to state the districts allotted to each Regional Inspector of Local Boards?

THE HON. SRI S. S. RAMASWAMI PADAYATCHI :—" The Regional Inspector of Municipal Councils and Local Boards, Southern Range, has jurisdiction over the districts of Chingleput, South Arcot, Tanjore, Tiruchirappalli, Madurai, Ramanathapuram and Tirunelveli and the Regional Inspector, Western Range, over the districts of Malabar, South Kanara, The Nilgiris, Coimbatore, Salem and North Arcot."

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SRI V. V. RAMASWAMI :—“ இந்த ரீஜனல் இன்ஸ்பெக்டர்களுடைய எண்ணிக்கையை அதிகரிப்பதுபற்றி சர்க்கார் யோசனை செய்து வருகிறார்களா? அதற்குக் காரணம் ஏதாவது உண்டா? ”

THE HON. SRI S. S. RAMASWAMI PADAYATCHI :—“ அவர்களின் எண்ணிக்கையை அதிகரிப்பதற்கான யோசனை சர்க்காரின் கவனத்தில் இருந்துகொண்டிருக்கிறது. ”

Bifurcation of the Cuddalore Municipality.

* 197 Q.—**SRI M. ETHIRAJULU :** Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the Government received any representation from the residents of Cuddalore Old Town during the period from 1947 to 1954 requesting the Government to bifurcate the Cuddalore Municipality; and

(b) if so, whether any action was taken thereon; and if not, the reasons therefor?

THE HON. SRI S. S. RAMASWAMI PADAYATCHI :—“ (a) Yes, Sir.

“ (b) The representations were rejected. ”

SRI M. ETHIRAJULU :—“ அதற்கு ஏன் அவர்கள் அதைப் பிரிக்கக்கூடாது என்று மறுக்கிறார்கள் என்பதற்குக் காரணம் சொல்ல முடியுமா? ”

THE HON. SRI S. S. RAMASWAMI PADAYATCHI :—“ 1947-ம் ஆண்டிலிருந்தே இந்தப் பிரசின் இருந்துவருகிறது. அது ஒரு பெரிய சரித்திரமாகயிருப்பதால், இங்கே சொல்ல முடியாது. அதை கனம் அங்கத்தினருக்கு அனுப்பி வைக்கிறேன். அதை அவரே படித்துப் பார்க்கலாம். ”

Maintenance of travellers' bungalows in the State by local boards.

* 198 Q.—**SRI M. ETHIRAJULU :** Will the Hon. the Minister for Local Administration be pleased to state—

(a) the number of travellers' bungalows in the State maintained by the local boards; and

(b) how many of them have been provided with lavatory convenience?

THE HON. SRI S. S. RAMASWAMI PADAYATCHI :—“ (a) 227.

“ (b) Government have no information. ”

UNSTARRED QUESTION.

Applications for loans and subsidies for improving the different cottage industries in the State.

15 Q.—**SRI T. M. DAIVASIKAMANI ACHARIAR :** Will the Hon the Minister for Agriculture be pleased to place on the table—

(a) the total number of applications received by the Government for loans and subsidies amounting to Rs. 500 and below for improving the different cottage industries in the State since 1953;

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(b) how many of them have been sanctioned and paid, how many were refused and how many are still pending; and

(c) whether any steps has been taken to increase the loan amount to Rs. 1,000?

A.—(a) 1953-54	...	...	236
1954-55	...	...	61

(b) Number of applications sanctioned and paid—

1953-54	...	...	25
1954-55	...	...	3

Number of applications refused—

1953-54	...	...	155
1954-55	...	...	14

Number of applications pending—

1953-54	...	...	56
1954-55	...	...	44

(c) The question is under examination of the Government.

III.—MESSAGE FROM THE ASSEMBLY.

DEPUTY CHAIRMAN :—“ I have to announce to the House that I have received the following message, dated the 23rd February 1955, from the Hon. the Speaker, Madras Legislative Assembly :—

“ In accordance with rule 114 of the Madras Assembly Rules, I transmit a copy of the Madras Indebted Agriculturists (Repayment of Debts) Bill, 1955 (L.A. Bill No. 2 of 1955), as passed by the Assembly, on the 23rd February 1955 and signed by me, for the concurrence of the Council ”.

IV.—STATEMENT BY SRI T. PURUSHOTHAM UNDER RULE 41 (1) OF THE MADRAS COUNCIL RULES.

* SRI T. PURUSHOTHAM :—“ Mr. Deputy Chairman, under rule 41 (1) of the Madras Council Rules and with your permission, I invite the attention of the Hon. the Minister for Public Works and the Hon. the Minister for Local Administration to a matter of urgent public importance, viz., the tragic death of a 7-year old boy by name Papa of Triplicane in Peyalvar Koil Street, as a result of the boy coming into contact with a live-wire, while he was playing near his house in that street in Triplicane. It was a new moon night and there was a large gathering for the *teppam* festival of the Parthasarathi Swami temple. The boy was playing near the lamp post and was electrocuted in the public street. The trap door of the lamp post had fallen and there was only a cardboard tied round at the time. I was there when the accident took place and therefore, I have the personal authority to make this statement with personal knowledge. It is most unfortunate that sufficient precaution had not been taken in spite of the report made to the authorities about the missing trap door. The lamp post has been provided with a door after the incident. There are similar posts still to be seen in that area without trap door, but only covered with a cardboard. This is a serious matter which has resulted in

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the death of the boy and our sympathies are due to the poor parents. As there is a statutory obligation under the Indian Electricity Act to ensure all precautionary measures against electricity accidents, I bring this matter to the notice of the Hon. Ministers for necessary enquiry and redress."

* THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—“ Mr. Deputy Chairman, Sir, immediately on hearing about this, I sent for a report from the Chief Engineer for Electricity. He has said, as was mentioned by the hon. Member himself, that that post was not secured or locked properly, that this boy seemed to have put his hand into the switch box and meddled with the switches and that it must have caused electrocution. Actually the lamp post belongs to the Corporation of Madras and the Chief Engineer has suggested that it is for the Local Administration Department to call for a report from the Corporation of Madras. Anyhow, my Colleague, the Hon. the Minister for Local Administration to whom I have spoken, has asked for a report from the Madras Corporation. I am sure he will be getting a detailed report shortly.”

V.—GOVERNMENT BILL.

THE MADRAS INDEBTED AGRICULTURISTS (REPAYMENT OF DEBTS)
BILL, 1955 (L.A. BILL NO. 2 OF 1955).

* THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Sir, I beg to move—

‘ That the Madras Indebted Agriculturists (Repayment of Debts) Bill, 1955 (L.A. Bill No. 2 of 1955), as passed by the Assembly, be taken into consideration.’

Sir, this is a lucky Bill in the sense that it satisfies my friend, the hon. the Deputy Leader of the Opposition in so far as it was referred to a Joint Select Committee. I say ‘lucky’ because it will get easy and quick passage in the Council to-day. The Joint Select Committee went into the provisions of the Bill in detail and made certain changes. I may now refer to some of those changes.

“ The year of test with regard to income, profession tax paid, etc., was changed from 1950–51 to 1952–53. In the original Bill, the test of property-tax or house-tax was fixed as Rs. 50 per half-year. It was changed into an annual property value of Rs. 600 per year in order to obviate the difficulty caused by the different rates of tax obtaining in the municipality and the panchayat, respectively. In the original Bill, creditors were entitled to collect their debt if the debt was Rs. 5,000 and below. This provision was deleted by the Committee. Then, provision has been made to extend the facilities in the matter of collection of debt available to co-operative societies and the Government to chit fund organisations. Then, with regard to payment of debt in instalments, the provision ‘either arrears accrued up-to-date or one-eighth of the

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principal' has been changed into 'either arrears accrued and one-eighth principal or one-fourth of the total amount due, whichever is less'. The period also has been extended from three to four months. It has also been provided that the rules framed under the Act should be placed on the table of the Houses of Legislature.

"These are some of the important changes made in the Bill and the Assembly has accepted all these changes. The only change that was made in the Assembly was as regards redrafting of clauses, especially of clause 4 which makes its meaning quite clear now. Otherwise, the Assembly has accepted the Bill as was reported upon by the Joint Select Committee and the Bill is before the House for consideration."

DEPUTY CHAIRMAN:—"Motion moved—

'That the Madras Indebted Agriculturists (Repayment of Debts) Bill, 1955 (L.A. Bill No. 2 of 1955), as passed by the Assembly be taken into consideration.'

* SRI K. BALASUBRAMANYA AYYAR:—"Mr. Deputy Chairman, Sir, I have spoken so often about the various principles that have to be taken into consideration in framing a Bill of this kind that I do not want to dilate upon them now. I am conscious that the Government are anxious to see that the Bill gets through both the Houses of Legislature and receives the assent of the President in time to take effect from the 1st March. I was also a Member of the Joint Select Committee and I am glad that the Government have made their position clear in respect of two important matters. One is that the object of this Bill is not to relieve the general agricultural indebtedness in our State. Therefore, this Bill is not intended for the purpose of giving relief to agriculturists by way of scaling down debts, ripping open transactions involving excessive rates of interest. The second thing is that the Government have made it clear that the debt has to be repaid. Many members of the Select Committee were anxious that repayment of debts should be spread over many instalments. In the first place, it will take more than a year before the debtor is asked to repay and it will be practically seeing that the debt is not paid or what is paid is not appreciated by the creditor. When the debt is repaid over such a long period of years, no ordinary creditor will appreciate the payment. I am glad, therefore, that the Government have made their position clear so far as these two matters are concerned. But, in a Bill of this kind, when the Government want to give relief to the agriculturists in the matter of repayment of loans soon after the Moratorium Act ceases to be effective, there are various difficulties likely to arise on account mainly of the fact that 'agriculturist' has been defined in a particular way now. It was not so in the old Act. Now the definition is circumscribed. Therefore, a large number of claims are now released from the application of the Moratorium Act. On account of these factors, there are very many difficulties that will arise. One is anxious to see that such difficulties are removed and the wording of the definition made so clear that the courts will be

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really helped to give proper adjudication on matters that may come up before them. If matters become complicated, then it will take a long time for courts to adjudicate upon the various issues involved in them. Therefore, if some of us on this side of the House try to move some amendments for the purpose of making the objects of the Bill clear, it is not with a view to delaying the passage of the Bill, but with a view to seeing that the Act is placed properly on the Statute Book and that it really helps the courts in adjudicating properly upon the claims by the respective parties. We are perfectly conscious of the fact that these amendments will not be accepted chiefly for the reason that they may delay matters still further. We mean moving certain amendments only in order to see that when the rules are framed or whenever any amending legislation is undertaken by the Government in future, things may be made clear. I do not want to speak any further on the Bill at this stage. When I move my amendments, I shall dilate on them so that the points that I may make may be borne in mind by the Government for future guidance."

SRI A. GAJAPATHY NAYAGAR :—" Mr. Deputy Chairman, Sir, as was pointed out by many hon. Members and others elsewhere, this Bill does not seek to solve the question of rural indebtedness. It affects rural credit. It is a Bill whose object is said to be to give relief to agriculturists in the matter of repayment of loans.

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" The moratorium that was granted last year, and which was extended by a month expires at the end of this month. This Bill comes as a stop-gap just to give relief to the agriculturists from the creditors' filing of suits for the recovery of the amount due to them and also to enable the agriculturists to pay their dues in easy instalments. Of course, taking the time and the place, we must welcome this measure. But at the same time I must say that taking the whole picture of our country, the eternal poverty of our masses, the lack of purchasing power in our people, and the great state of penury pervading everywhere, the Government must bring in an all-pervasive measure which would do something to solve these big problems.

" This legislation is something like a piecemeal legislation which creates more difficulties and creates more problems and ends in dissatisfying everybody. Even though the Bill seeks to give relief to the persons who are agriculturists and who have incurred debts, it will end only in a kind of litigation. Therefore, Mr. Chairman, though I welcome this Bill, I would request the Government not to stop with this but to proceed and bring in an all pervasive measure which would bring real solace to the ills of our country."

* **SRI G. KRISHNAMOORTHY :—**" Mr. Deputy Chairman, Sir, the Government have brought in this measure as a continuation of the moratorium that was declared for one year. The Government have declared that their policy is to be fair both to the debtor and the creditor. The original moratorium was intended to bring

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relief to the debtor and to see that the debtor was not unduly oppressed by the creditors. Now in the present Bill as it has emerged from the Select Committee, we find that the definition of the debtor has been narrowed down to such an extent that practically speaking many agriculturists cannot get the benefit of this new Bill. It has been narrowed down to such an extent that an indebted agriculturist who owns a little over six or seven acres of wet land cannot get relief because it has been stated that a person paying a land revenue of Rs. 150 and more cannot be protected by this Bill. He is no longer an 'agriculturist' as defined in this Bill. Again an agriculturist owning about $\frac{1}{2}$ an acre and having a house besides the one in which he resides with a rental value of about Rs. 600 and above a year, cannot claim to be an agriculturist for the purposes of this Act. Such a man owning $\frac{1}{2}$ an acre and owning a house with a rental value of Rs. 600 besides the house in which he lives will be only a 'middle-class man'. Again the definition of the agriculturist has been narrowed down to such an extent that when a man owns $\frac{1}{2}$ an acre and gets a monthly income of over Rs. 150 he cannot come under the purview of this Bill. When a man owns about $\frac{1}{2}$ an acre is an indebted agriculturist getting Rs. 151 as his monthly income inclusive of allowances, he is not a rich man but only a 'middle-class man' and even for him the definition has been so narrowed down as not to benefit him. I am afraid that many of the indebted agriculturists cannot come under the definition of "agriculturist" that is now put under the Bill. So it is but right that the Government should raise the limit of exemption in all these cases.

"It is said that one assessed to profession tax on an income of over Rs. 900 per half year could no longer claim protection under this Bill. I think that should be raised to Rs. 1,800 per half year. Persons assessed to profession tax on an income of more than Rs. 900 per half year have been classified with persons paying income tax, who get Rs. 350 and above per month. (Income-tax is leviable only on those persons getting over Rs. 350 per month.) A person getting Rs. 350 and above per month has been classified similar to the person getting Rs. 150 per month by way of his profession and whose annual income will be less than Rs. 2,000. A person getting Rs. 350 and above has been classified with a person paying Rs. 150 as kist for a year. A person earning Rs. 150 a month gets Rs. 1,800 annually and a person paying Rs. 150 by way of kist gets an annual income of Rs. 2,000. These two categories of persons have been classified as coming under the category of persons paying income-tax, which is on the face of it not correct; for only persons getting more than Rs. 4,200 per year (Rs. 350 per month) could come under the category of those people who pay income-tax. Therefore it is I say that only those persons who are assessed to profession tax on an income of Rs. 1,800 and above per half year should be exempted from the purview of this Bill. Again I say that only persons who own a house with a rental value annually of Rs. 1,200 and above besides

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their own residential houses should be exempted from the purview of this Bill. If these things are done then the agriculturists who own some one or two acres of land besides some small residential houses, and who come under the 'middle-class' category would be saved. Otherwise they would be oppressed by their creditors.

The Government have said that the purpose of this Bill is not to scale down debts. It is said that within four months from 1st March 1955 the debtor should pay one-eighth of the principal and the interest up to date or one-fourth of the total amount and the rest in three annual instalments. As I have said before the tendency of the human mind is to postpone things till the last moment. Suppose there is a bumper harvest in the first year then the agriculturist could save something. Then there is no provision in the Bill by way of inducement by which he could repay the whole of his debt within the end of the first year. Because of the provision of three equal annual instalments, he will pay only the portion prescribed for the first year and if in the succeeding years there is drought or something like that, he will not have money and will suffer to repay the debt. Therefore it is I submit that there should be a provision for rebate by which the agriculturist if he has a bumper harvest or a good harvest could be tempted to repay the whole of his debt within one year and four months. Otherwise if we say it should be in three annual instalments, we are giving temptation to the agriculturist to postpone the full payment by three years. Such a temptation should not be given. Fortunately we had a good season last year. I hope it will continue for some more years to come. Therefore I think we should give an inducement to the agriculturist to pay off his debt entirely whenever he realises sufficient money after a good harvest. That is what I suggested already. The rebate could be five per cent in the case of the first Rs. 1,000 and two and a half per cent in the case of the succeeding thousands. If that is so, naturally it would be an inducement to the debtor to pay off the creditor and the creditor will not consider this question as one of scaling down of debts. In the present circumstances every creditor who has lent money to a person who comes under the purview of this Bill has to be kept in suspense for three years and four months and then he has to go to Court in case payments have not been regularly paid. Are we to increase litigation? The Government are bound to give that inducement to the debtor to pay back the money when he is in a position to pay. In the first year he may have a bumper crop. For the next two years, especially in the case of dry lands, he may have to depend upon Lord Varuna for rainfall. Why should we not provide for some rebate as an inducement in the way of repayment by the debtor of the money to the creditor? I would request hon. Members of this House to just press this point, namely, that in case the debtor pays back his debt, at the end of the first year he must be eligible for five per cent rebate on the first 1,000 and 2½ per cent for each succeeding thousand. I do not think that any creditor would object to this,

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because he need not wait for full three years and four months, and he could invest the money properly on something else. With these words, Sir, I conclude."

* SRI C. RAJAGOPALACHARI :—“ Sir, I wish to make only a few observations having been responsible, when the last moratorium was given, for a statement that it would be only for one year. I feel it my duty to explain, being present here, that I still hold the view that it should have been only for one year, and that it is really a disturbing factor that a new Bill has been brought forward, so to say, in breach of that promise. Not that the word given by a Government must be taken for ever as unalterable, but still it appears to me that any plea should be well supported by reasons before a breach could be made of a promise of that kind. I am not opposing the Bill. I leave it to the House to judge it on its merits. But I wish to make it clear that in my humble view constant interference with contracts is not a good thing for the credit that we want to be established for contracts entered into. For several reasons there is a large amount of uncertainty in the minds of people created during the last few years. Uncertainty is not a good thing for the conduct of natural life. There are uncertainties enough in this world as things stand without adding uncertainties of the law and of the incidence of contracts to these necessary uncertainties that we have to bear with. No one can deny that by this constant interference with the normal law, as jurists would understand it, everyone has come to believe that nothing is stable or settled. We are not dealing with any temporary matter. We are dealing with a very permanent incident in life, namely, that man must borrow when money is required from others who have been able to save money to be invested in capital for the purpose of society. If, therefore, borrowing is a necessary incident of life for all time, we should be careful and hesitant before creating a state of things in which no man is sure of what the law is going to be. It does not mean that the Government have no right to interfere with contracts in any manner. For instance, from time immemorial, it is not a new feature—laws have been passed restricting the rate of interest which could be charged and also allowing Courts the discretion to deal with instances of breaches of contract according to the requirements of the particular cases. For instance there are permanent provisions—my hon. colleagues will be able to show the House—by which the Court can give in its discretion any number of instalments for repayment. I am aware that Members can say that I myself was responsible for the original Debt Relief Act in favour of the agriculturists. I am not apologetic about it, because there the only interference was with the rate of interest. The rate of interest was declared to be too much if it was above a certain maximum provided, and if a man had by way of interest paid off his debt, although the principal would still be legally outstanding, that law provided that the debt should be taken to have been cleared. I do not think that any apology is needed for that inter-

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ference. It does not follow from my plea for the sacredness of contract that usury must be tolerated. The Moratorium Act was definitely a temporary measure. A promise was made that it should terminate after a year. The question now is, 'Have we done anything more?' My objection could be answered by pointing out 'All that has been done is to provide by way of legislation the discretion which we desire should be exercised by the Court, and only the minimum is provided by legislation. Any further discretionary concessions which the Court might deem necessary might also be given, and this Bill does not prevent that'. This is the answer which can be given to my objection. But my objection on general principle is not answered. My objection on general principle is that if we pass laws, from time to time, of this sort, we add to the feeling that when we enter into a contract, we cannot depend on it. There will be a feeling of insecurity. What is the result? There is no harm if money lenders feel insecure. I would not shed a tear for that reason. But there is this harm that credit may be affected and poor men may not be able to borrow money. Even if the poor man now goes to the potential creditor, I can imagine the conversation between them, namely, 'You are not going to pay it. Even if you are willing to pay, the Courts will say 'you need not pay'. Why should I lend you money now?' My imaginary debtor will say, 'Never mind what the law says, never mind what the Court says. I am going to pay.' There are people who may make that kind of statement sincerely and there are people who will accept the promise with equal sincerity. But, I am afraid their number will be reduced considerably if this kind of legislation is repeatedly passed.

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" So, without opposing the Bill, I wish to utter a note of warning since I am an old man, old enough to be entitled to warn the Government as well as the Legislature. I take this opportunity to point out that we must respect two things. We must respect the independence of Courts in any discretion that they exercise. Secondly, we must respect the sacredness of the contracts that men enter into. If we said that despite the contract, a debtor will have such and such concession, we break that sacredness of the contract. We smash that credit which the debtor is entitled to, which the debtors as a mass are entitled to in this country where it is considered to be a pious obligation on the part of the son to clear the father's debts. It is considered obligatory on the part of the son to clear the father's debts not only in law but also as a matter of social conscience. There is also a religious scruple about it and it is considered that a person will be reborn to pay a debt if he had not paid it already. In this country where such a fine tradition had been allowed to grow, has been encouraged to grow and has grown as a matter of fact, is it right to interfere with it again and again without sufficient thought? In fact, last time it was even pointed out that we would extend the Moratorium Act. I had the temerity to say that it would not be done. I am sorry therefore that we have been compelled, whatever may be the reason of the Government, to give further concession and so to say break the

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promise. It may be pointed out that prices have fallen and the debtors are therefore in difficulty. But, can I pray for rain and at the same time complain if I get wet on the road? When we wanted more rains so that more crops may grow, it meant that prices should fall. The fall of prices is a necessary consequence of plenty of crops. We cannot say that it is an unexpected consequence against which we should provide. Prices have to fall.

“ Sir, I can understand a general provision giving further discretion to Courts to give more and more instalments and even to provide that if a person did not pay at all, limitation may be eased to some extent. Many such things can be done. But it is not right to say that the Courts’ discretion must be exercised in such and such way. We must make laws for general purposes. We must not make laws for exceptional cases. What will happen if we make laws for exceptional cases is this. We will be lost in a maze of juridical difficulties. When we begin to provide for one exceptional circumstance some other thing follows from it which we do not want and when we provide for that yet another thing follows and we have to provide for that also. This will result in all sorts of complications and we may fail to do justice finally. This is the necessary consequence in jurisprudence when any Legislature begins to make laws for exceptional circumstances. The best thing to be done in these cases is to leave the discretion to the Courts, because they will have the opportunity to see A, B and C in concrete and can go into the details of the various cases. At the most, we can define here an agriculturist as a person who is not paying land revenue more than Rs. 150 or who is not paying any income-tax and so on. But, as Mr. Krishnamurthy just now pointed out, if a person paid one rupee more or one rupee less than the limit fixed under the Act, there will be difficulty, and there is a likelihood of injustice being done to certain people. That is why I say that if we leave these matters to the Courts, they will examine each and every case and see what the average income of a particular person is, whether he is really in any special difficulty and whether he deserves some special consideration. A man may be paying income-tax, but may have lost all his property in a fire accident. Should he not receive some consideration in view of his special difficulty? All these matters may very well be looked into and examined by the Courts whereas a law-making body cannot go into them for all time and for all cases. It is a very difficult thing which British jurisprudence never attempted to do. It is to point out these facts I have risen to make a few observations.”

* DR. V. K. JOHN :—“ Mr. Deputy Chairman, I am very pleased indeed that Sri Rajaji has intervened in this debate. I am wondering whether his advice will be taken by the present Ministry. It is a pity that it has become a rule that we will have only one or two Ministers besides the Hon. Leader of the House even when important matters are being discussed on the floor of this House. When this question was raised a few days ago, it was said that the Assembly was also sitting and therefore the Ministers could

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not be here. Then by the intervention of somebody, the Assembly began to sit in the morning. To-day the Assembly is not sitting now. But still, all the Ministers are not here. That is why I have been saying that this House has not been treated with respect and consideration . . .”

* SRI T. PURUSHOTHAM :—“ Sir, may I inform the hon. Deputy Leader of the Opposition that the other Ministers are not Members of this House? Moreover, they are not dealing with the subject that we are at present discussing.”

DR. V. K. JOHN :—“ I have to tell the Chief Whip that even though they are not Members of this House, they are entitled to be present here. Because they are not Members of this House, it does not mean that they need not be present here. If only all of them were present here, what Rajaji said could have been heard by them all. When they sat in conference afterwards, they may reconsider the matter in the light of Rajaji's advice and remove certain defects.”

* SRI C. RAJAGOPALACHARI :—“ Sir, I am sorry that my observations have led to so much heat. The Hon. Deputy Leader of the Opposition, I respectfully submit is not right in making a great point on the absence of the Ministers on other business. It is impossible for all the Ministers to be imprisoned in the House and the country would go to the devil if it were done. It is necessary for the Ministers to attend to executive work also in addition to legislative work. I also wish to say that the Chief Whip made an observation which may not be all right and no advantage should be taken of the error in his statement. Every Minister, of whichever House he may be a Member, represents the whole Cabinet when he is present in the House. It is not right for Dr. John to continually refer to the absence of Ministers. It is one thing for Dr. John to say now and then that it is desirable for Ministers to be present here. But to create so much heat about the absence of some Ministers is, in my humble opinion, not correct, Sir.”

DR. V. K. JOHN :—“ I am thankful to Rajaji's observation, Sir. I respectfully endorse every word which Rajaji uttered on this matter. I wish all the Ministers were here to listen to his speech to-day. When I spoke on the Bill last time, I asked, ‘ What is the object of the Bill? Is it intended to help some people who are indebted or is it intended to liquidate agricultural indebtedness as such? ’ I was told that the object was simple. It was said that the scope of the Bill was limited and they were making a provision to relieve certain persons who were heavily indebted. Rajaji has to-day made the position clear. I told some of my friends in the Select Committee that the only thing to be done under the present circumstances was to provide for the discretion of the Courts. Let the Court exercise its discretion in the matter of giving instalments. The Court will be in a better

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position to see the merits of the case and take a decision. For example, it is for the Court to say whether the plaintiff in a suit deserved protection or the delendant. A Court can very well decide whetner a party really needed the money for agricultural purposes or whether the party was really in difmulty and wanted time. It has been laid down that a general rule may work hardships. Why do you make these complicated pieces of legislation which would not be understood even by lawyers and certainly not by the agriculturists? When the case goes before a Court, the judge passes a decree and allows payment in instalments in fit cases. I also suggested, Sir, that the Government might make a provision in the Bill enabling Courts to remit the whole or a part of the Court-fee in deserving cases. I said: Let there be a provision to the effect that there shall be no Court-fee collected in cases where agriculturists demand their money back. If the suggestion had been accepted, the Government would have done wonderful justice to the litigant-agriculturists. Now, they have destroyed the credit. Sir, the other day, I referred to the poem written by Oscar Wilde. It is an interesting poem in which it is said that man kills a thing he loves, some men do it by some means and others do it by other means. You love the indebted agriculturist. But you are killing him. You want agriculture to improve. You have destroyed it and you are destroying the economy of the countryside thereby. I am not satisfied with the form the new Bill has taken. I ask you: Have you made any surveys? If not, have you taken advantage of the survey made at the instance of the Reserve Bank of India? Sir, it is stated in that report, the Government give only three per cent of the total loans required by the agriculturists. I also referred the other day to what the great economist, Kayce, has said, 'When you want to spend money on consumption, first of all spend money on investment'. This is what he said. It is good. It increases the purchasing power of the people. But when you hoard money, it is bad. When you lend money at usurious rates of interest, it is bad. I said 'Penalise and send people to jail if they have lent money at usurious rates of interest'. Let people lend only at 2 per cent interest. Let the Government ban money-lending at more than two per cent interest. If they ban it, what will be the result? All money will go into co-operative societies, co-operative credit societies in every village which can lend money to needy agriculturists at 4 per cent interest, or five per cent interest. That is one way of solving the problem of agricultural indebtedness. The Government must amend the Co-operative Societies Act. All the world over, man gets credit not because he has got property or money in the bank or in Government securities but because he is honest. It is honesty that gets him money. If a neighbour finds an agriculturist honest, he will at once give him money even at rates less than those charged by co-operative societies. We must do something which will liquidate agricultural indebtedness. We are monkeying—if that term is not

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unparliamentary—with this great problem of agricultural indebtedness. I am pleased indeed, Sir, that Rajaji, who intervened in this debate, was kind enough to say that it would be harmful if we had this legislation. It would interfere with contracts made between parties. If we pass such pieces of legislation every year, it destroys credit and kills the man whom you want to save. I say, Sir, the Government have brought in this Bill not because they like it but because they did not want the Communists to take advantage of the existing situation. The Government must be bold. We want a bold and courageous Ministry to do just and proper things and not be carried away by some artificial agitation carried on by some political parties. I know it is to put down Communist propaganda and to satisfy the Communists that you are introducing this Bill. You defeat the very object of the Bill. I would request the Government to reconsider the position. I promised the Hon. the Leader of the House yesterday that we would co-operate with the Government in seeing the Bill passed to-day. I stand by it even now. But at the same time, I want the Government to reconsider the Bill not on account of the criticisms I have offered but in the light of the suggestions made in the House by one in the position of Rajaji who has always stood by the poor indebted agriculturist and who introduced a Bill in 1938 to scale down debts. That Act of 1938 has worked great wonders in liquidating debts. Debt to the tune of crores of rupees has been liquidated. But what is this Moratorium Act? It was said last year that on account of continuous drought for many years, the Act was being passed to be effective for one year, to give some sort of relief to the agriculturists. The Government gave a definite undertaking that it would never be extended beyond one year. When the Government promised to do so, can a successor Government say: 'No, we are not bound by the promise made by the previous Government.' People have no confidence in the Government. The Chief Minister makes a solemn promise that the Act will not be in force for more than a year and that it is designed to meet a certain emergency that has arisen as a result of five years of continuous drought. Now the Government extend it in some other shape or form. I am sure it will kill the credit in the countryside. It has already killed the faith which people had in the Government. Rajaji has been so greatly pleased to make certain observations and I ask the Government to reconsider the position in the light of those observations."

* SRI K. BHASHYAM:—"Mr. Deputy Chairman, it was very refreshing to hear the free and frank statement made by Mr. Rajagopalachariar. There is no greater friend of the agriculturists than Mr. Rajagopalachariar. It is he that introduced the famous Bill of 1937."

SRI K. BALASUBRAMANYA AYYAR:—"It was he who brought in the Moratorium Act also."

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* SRI K. BHASHYAM :—“ I will come to it. I shall do it chronologically. He helped by his 1937 Act agriculturists to scale down the vast accumulation of debts they were suffering from. That Act gave great scope to courts of law to do justice to the agriculturists who were indebted. It was introduced not for limiting the powers of the Court but for the purpose of limiting the quantum of debts irrecoverable from the agriculturists. This Act has been working since 1937, for nearly twenty years, very well. The same Sri C. Rajagopalachari brought in this Moratorium Act last year. The idea at that time was that it would help to encourage increased production of food. As Chief Minister at that time he felt in his wisdom that if the agriculturist was not harassed for one year at least, production would go up. That expectation has been realized. Therefore, it is not as if the Act was passed for being in force for more than a year. I am glad that Sri Rajagopalachari has come here to give us the benefit of his views on this matter. Apart from the question whether one (the succeeding Government) could go back upon the promise given by the Chief Minister of the same party last year, I say that the present measure, though it seeks to give relief to the indebted agriculturists, does not solve the problem of rural indebtedness but is definitely harmful to the agriculturists. In spite of all our co-operative movement all these 50 years, have we solved the problem of rural indebtedness? No; the answer is in the negative. It is not a small problem as some seem to imagine. As far as my experience goes, and it is generally accepted, the agriculturists when they have plenty of money do not use it to pay back their debts but otherwise. Therefore by the passing of the moratorium, extending it by a month and then by bringing in this Bill, by this sort of constant cuddling of agriculturists the Government, in my view, are only bringing the agriculturists to their ruination.”

SRI MOHAMED RAZA KHAN :—“ On a point of order, Sir, I want to know whether having accepted the principle of the Bill when the motion for referring this to the Select Committee came, can the hon. Member speak on its principle now at the first reading stage? No doubt I have great regard for the opinions of Mr. Bhashyam. But I want to know whether it is in order for him to talk on the principle of the Bill at this stage, having accepted the principle when the motion for referring this Bill to the Select Committee came.”

* SRI C. RAJAGOPALACHARI :—“ On the point of order, Sir, no doubt if there is a point of order, the Chair will give its ruling. But I would like to mention that although the Bill may be passed now, as was mentioned by Mr. Bhashyam and Mr. John there is a provision and room for Government to reconsider the situation and it was therefore quite good and useful that Members expressed their views. Government has still the right of not going to the consent of the Governor or President in spite of the Bill having been passed.”

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SRI MOHAMED RAZA KHAN :—“ I beg to differ from Rajaji. I maintain that such advice could be given at the final reading of the Bill when we could say that although we do not approve of the principle, inasmuch as the Bill is passed, we would ask the Government to examine this question before submitting it for the assent of the Governor or President. I think only at the final reading, such a request would be in order, and not at the first reading and that too after having accepted the principle when the motion for the reference of it to a Joint Select Committee came before the House.”

* DR. V. K. JOHN :—“ May I draw Mr. Raza Khan's attention that under rule 127 we are definitely entitled to discuss the principle of the Bill, when the Bill is taken into consideration? It is absolutely clear, under rule 127, that we are entitled to discuss the principle of the Bill at the first reading, that is, when the motion for the consideration of the Bill is taken up.”

* SRI K. BHASHYAM :—“ I think Dr. John has come to my rescue. At the time when the motion is brought up for the reference of the Bill to a Joint Select Committee, no question of discussing the principle of the Bill arises at all. We need not at all speak on the principle of the Bill at that stage. Only at the first reading when we are face to face with the Bill, we can discuss the principle of it. Therefore we are perfectly in order in discussing the principle of the Bill at the first reading. If we discuss the principle, we also discuss the amendments moved to the several clauses of the Bill. For instance I have myself given notice of certain amendments. Therefore it is not a question of my having agreed to the principle first and then opposing it now.

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“ As early as 1937 Rajaji passed the Debt Relief Act. Nobody could be a greater friend to the agriculturist than Mr. Rajagopalachari. When he came again to power in 1952, he did what he could to relieve the suffering of the indebted agriculturist. He passed the moratorium but he definitely said that it would be only for one year. The Co-operative societies which have been in existence for half a century were intended to help the agriculturists, to provide them with easy credit. Has the movement succeeded in spite of 50 years of working? No; the answer is no. The problem of rural indebtedness is not a small problem. What does Mr. B. V. Narayanaswami Naidu's report go to show? If one could see his report, one finds that the indebtedness of the agriculturist has only gone up and not decreased. Solving the problem of rural indebtedness is a difficult job. For two reasons it is difficult. Whenever the agriculturist gets money, instead of paying off his debt, he will spend it on some other thing. Again he thinks that after all the Government would come to his rescue, and therefore the tendency is for him to go on postponing the debt ultimately waiting for the wiping off of all debts. As things stand the position of the Government is that great pressure has been brought to bear upon them and they cannot escape from it. As far

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as the present Bill is concerned, it was not a measure to scale down or wipe out debts altogether, it only provides that the agriculturists could pay their debts in easy instalments, limited to three annual instalments.

"I shall now come to the question of these annual instalments. I agree it is better not to interfere with the courts. Even under the laws now operating in the country, the Court has got the power, to allow a debtor to pay his debt in easy instalments to give him the desired relief. I know instances wherein the debtor has been given the concession to pay his debt in convenient instalments spread over a number of years. If the court is satisfied that the then economic condition of the debtor was such, it could give him the concession to pay his debt in easy instalments. That right is always there for the Court. The court exercises its discretion and decides on the merit of the case. Therefore I say that when that statutory power is there for the court, it is better to leave the matter to the court and not pass this Bill stipulating that the agriculturist could pay his debt in three years.

"Mr. Rajagopalachari has said the moratorium ought not to have been extended. But the pressure on the Government has been great as I have said before that they have come forward with this measure. As I have observed earlier, the jurisdiction of the Court need not have been superseded. But inasmuch as the Bill definitely states that its purpose is not to wipe off debt but to give relief to the agriculturist to pay his debt in three annual instalments I support the Bill and at the same time request that Government would take into account what I have said."

5 p.m. * SRI T. PURUSHOTHAM :—"If I intervene it is only to express my concern at the very unfortunate remarks made by the Deputy Leader of the Opposition. I wish to assure him, Sir, that it is not for any political reasons that this Bill has been brought forward. I wish he had not made such wide remarks because he knows very well that when the Moratorium Act was about to expire, we have been receiving a large number of representations from agriculturists praying for extension of the Act. We have some of us been going round the districts for hearing representations and people represented to us that the Act should be extended. There have also been representations from other quarters stating that there is no need to extend the Act. All these representations were considered, and because we felt that some relief was necessary for the agriculturists, this Bill has been brought forward. It is not for pleasing any political party. It is only to express strong protest against the statement made by the Deputy Leader of the Opposition that it was to please some other party that we have brought forward this Bill. I wanted to say that this Bill had nothing to do with any such political consideration and that it was only in the sincere belief that we should give

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some relief to the agriculturists, that we have come forward with this measure. The other representations against this measure were duly considered. Several exemptions have been provided to ensure that as far as possible only *bona fide* agriculturists are benefited by this measure. So it is I once again strongly protest against the insinuation made by the Deputy Leader of the Opposition against the party in power. I hope he will withdraw what he has said."

* DR. V. K. JOHN :—" It is not an insinuation. It is a statement. You are out to please and to placate the Communists." (Interruption by Sri K. Bhashyam.)

* SRI T. M. NARAYANASWAMY PILLAI :—" Mr. Deputy Chairman, Sir, we all respect the views given expression to by the hon. Member Sri Rajaji, namely, that the Legislature should not interfere with the sanctity of contracts and that in the field of agricultural credit, natural forces must be allowed to have their operation. He, however, conceded that the Legislature should interfere to give relief in cases of usurious rates of interest. He did not desire that the Legislature should proceed further. He said that the Moratorium Act should be repealed on the expiry of one year as promised by him. I ask, Sir, has it not been lifted now? The Moratorium having been lifted, he must have, in my opinion, no objection to the provision in the Bill for payment in instalments. He had no objection to Courts ordering payment in instalments but would object to the Legislature prescribing that mode of payment in the case under consideration. If the Legislature did not provide for payment by instalments in cases covered by the Moratorium Act, it is doubtful as to whether Courts would order payment in instalments. Now as a matter of fact the Moratorium has ceased and Mr. C. Rajagopalachariar has no objection on that score. Listening to his speech, I was surprised to find how he could ignore the fact that this Bill was a natural consequence of the Moratorium Act passed by him last year—I might even add, the inevitable consequence of the Act passed last year. If that Act had not been passed last year, perhaps there would have been no necessity to consider whether relief for payment of debts by instalments ought to be given. The position is this: If what was said last year was correct, namely, that for a number of years the agriculturists had been affected by drought and had been unable to pay, and had been forced to pile up their debts, now, what would be the position if the Moratorium Act is suddenly lifted without any positive mode of payment? I would illustrate it by figures. A debtor perhaps was borrowing year after year a hundred rupees. This is not unusual. He was faced with a succession of drought years. At the end of 1953, he would have to pay his creditor a sum of Rs. 500 principal alone; to that sum interest must be added. If the moratorium had not been in operation, perhaps he would have had or even found means to negotiate with his creditor and got on as he had got on previously. Rightly or

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wrongly—this is not the time to question it—the Moratorium had come into effect. Therefore if all at once the Moratorium was removed without any stipulation as to the time of payment, the pent-up energies of the creditors would no more be kept at bay and they would suddenly sweep down upon the debtors; and the debtors who were not able to pay even Rs. 100 per year would be suddenly called upon to pay Rs. 500 with interest and they would be completely ruined. So, the first thing that interfered with the normal course of events and sanctity of contracts was the introduction of the Moratorium Act. Once the Moratorium Act was passed, and once there was the piling up of debts in successive years, is it right on the part of the Legislature merely to say now that the debtors are under a duty to pay all the five hundred rupees in the same year and must pay all at once? This is the problem. If perhaps there had been no piling up of arrears, it would have been different. But when once debts had been allowed to be piled up, there is absolute necessity on the part of the Legislature to see that normal credit facilities are restored gradually, without any rude shock either to the debtor or to the creditor. The courts are entitled to show relief by awarding instalment decrees in exceptional cases but they do not give relief in all cases. This Bill seeks to leave the question of payment in instalments to the discretion of courts in the case of all debtors having large means; the court's powers in these cases are not restricted or taken away; in the case of debtors of small means whose debts have been piled up, there is need to give relief by enabling them to pay in four instalments and the courts are compelled to take note of the provisions in the Bill and give relief in accordance with them. This appears to me to be the best method in the circumstances. If there is to be no Moratorium, the best way of helping the debtor and the creditor is to make them come together and try to have their disputes adjusted, but that is not practicable. The creditor if left to himself would not have attempted to get his differences adjusted; he would have rushed to court and ruined the debtor. I would have been most happy if conciliation had taken place. But that could not be done. It is too late in the day now for somebody to come and say that a Bill of this kind should not be passed on the theoretical ground that you should not interfere with the sanctity of the contract. One could not ignore the actual pressure brought upon the Government of the day by people who really suffered. Therefore, Sir, I for one, feel that the Government would not have done their duty if they had not brought forward this Bill for the relief of the agriculturists. The Government say that debts shall be paid back in four instalments. The Legislature does not refer to debtors of larger means. We need not go beyond the limited scope of the Bill; the people interfered with are men of small means and we need not object to this Bill. The hon. Member Sri Krishnamoorthy said that the term 'Agriculturist' has been narrowed down too much. He wanted a limit of Rs. 250 to be fixed. In his opinion the debtor who pays a tax of Rs. 250 is also a debtor-agriculturist of small means

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and should be allowed the benefit of payment in four instalments. The Government have not extended this Bill to people paying a land revenue of Rs. 250, that is to say such a debtor-agriculturist is not a debtor of small means in the opinion of the Government. In other words, the Government are interfering with the sanctity of contract in every case and propose to do so only in the case of debtors of small means because the Courts could not be expected to grant the relief of instalments uniformly in all cases.

“ The Legislature has taken care to limit the relief only to cases where it thought such relief absolutely necessary. If all at once the Moratorium were to be removed without some relief of payment in instalments, there would be an utter collapse of the debtor-class of small means. 5 10 p.m.

“ So a *via media* had been thought of and that is why the provision relating to instalments was introduced. I would have very much welcomed a provision in the original Bill with regard to small creditors. For some reason or other, that provision has been given up. Sir, this is not the time to deal with the question of agricultural indebtedness as such.”

* SRI A. SUBRAMANYAM :—“ கனம் உதவி சபாநாயகர் அவர்களே, இந்த நாட்டின் முதுகெலும்பாக உள்ள மக்கள் விவசாயிகள். அவர்களுடைய கஷ்டங்களைப் போக்குவதற்கு இம்மாதிரியான சட்டம், அதாவது கடன் வாய்தா ராஜாதா அவர்கள் கொண்டுவருவது மிக மிக அவசியம் என்பதையாரும் மறுக்கமுடியாது. இருந்தாலும்கூட இதில் ஒரு முக்கியமான விஷயத்தை நாம் தெரிந்துகொள்ளவேண்டும். ஏனென்றால் சிலர் இந்த மசோதாவின் நோக்கம் என்னவென்பதையே சரியாகப் புரிந்துகொள்ளவில்லை. கனம் ராஜாஜி அவர்கள் 1937-ல் முதல் மந்திரியாக இருந்த பொழுது கொண்டுவரப்பட்டது கடன் நிவாரணச் சட்டம், அடுத்தபடியாக சென்ற ஆண்டில் கனம் ராஜாஜி அவர்களால் கொண்டுவரப்பட்டது கடன் ஒத்திவைப்புச் சட்டம். இப்பொழுது அரசாங்கத்தாரால் கொண்டுவரப்பட்டிருப்பது கடன் வாய்தாச் சட்டம். இந்த மூன்றாக்கும் உள்ள வித்யாசத்தை கனம் அங்கத்தினர்கள் எல்லோரும் நன்கு புரிந்து கொண்டு விட்டார்களேயானால் இன்றையதினம் இந்தச் சட்டத்தில் பல குறைபாடுகள் இருப்பதாகப் பேசுவதற்கே இடமிருக்காது என்பது என்னுடைய அபிப்பிராயம்.

“ அன்றையதினம் கனம் ராஜாஜி அவர்கள் கடன் நிவாரணச் சட்டத்தைக் கொண்டுவந்தார்கள் என்றால் விவசாயிகளெல்லாம் கடன் சுமையினால் பெரிதும் பாதிக்கப்பட்டிருந்தார்கள். இவ்வளவுதான் வட்டி வாங்கவேண்டுமென்று நிர்ணயிக்கக்கூடிய சட்டம் எதுவுமேயில்லையாதலால் லேவாதேவிக் காரர்கள் விவசாயிகளிடமிருந்து கொள்ளை வட்டி வாங்கிவந்தார்கள். வட்டியே முதலுக்கு மேலாகப்போய் விவசாயிகளைத் தொல்லைக்கு ஆளாக்கி விட்டது. அதன் காரணமாக விவசாயிகளைக் காப்பாற்றவேண்டுமென்ற நோக்கத்தோடு கனம் ராஜாஜி அவர்களால் 1937-ம் வருஷத்தில் கடன் நிவாரணச் சட்டம் கொண்டுவரப்பட்டது.

“ சென்ற ஆண்டு கடன் ஒத்திவைப்புச் சட்டத்தைக் கொண்டுவந்தார்கள் என்றால் அதற்கும் காரணம் இல்லாமலில்லை. சென்ற சில ஆண்டுகளாகத் தொடர்ந்தாற்போல மழையில்லாததின் காரணமாக விவசாயிகள் கஷ்டப்பட்டு வந்தார்கள். அதேசமயத்தில் சென்ற ஆண்டு கொஞ்சம் மழை பெய்து விவசாயம் ஈல்லமுறையில் இருந்ததினால் கடன் கொடுத்தவர்கள் எங்கே விவசாயிகளை ஒரேயடியாக நெறித்துவிடுவார்களோ என்ற எண்ணத்தில்

[Sri A. Subramanyam] [24th February 1955]

இராஜாஜி சர்க்கார் கடன் ஒத்திவைப்பு மசோதாவை கொண்டு வந்தார்கள். விவசாயிகளுக்கு கொஞ்சம் அவகாசம் கொடுத்தால் அவர்கள் கடனை கொடுக்க செளகரியம் ஏற்படும் என்ற எண்ணத்தில்தான் ஒரு ஆண்டுக்கு ஒத்திவைக்க சட்டம் கொண்டுவரப்பட்டது. இவ்வாண்டும் சர்க்கார் விவசாயிகள் கொடுக்கவேண்டிய கடனை ஒரேயடியாகக் கொடுக்கச் சொன்னால் முடியாது என்ற கருணையினால் நான்கு தவணைகளில் கடனைக் கொடுக்கலாம் என்ற சலுகையை விவசாயிகளுக்கு அளிப்பதற்காக இந்தக் கடன் வாய்தாச் சட்டத்தைக் கொண்டு வருகிறார்கள்.

“இன்றைக்கு விவசாயிகளுக்கு முன்பு இருந்த கஷ்டம் இல்லை. அவர்கள் சமாரான நிலைமையில் இருந்துகொண்டிருக்கிறார்கள் என்பதையாரும் மறுக்கமுடியாது. ஆகவே இன்றையதினம் கடன் ஒத்திவைப்பு மசோதா காலாவதியானால் உடனடியாக அந்த விவசாயிகளை கடன் கொடுத்தவர்கள் ஹிம்சை செய்து விடுவார்களே என்ற பயத்தால் அம்மாதிரி ஹிம்சை செய்யாமல் இருக்கவேண்டுமென்பதற்காக தவணைகளில் கொடுக்கலாம் என்கின்ற வசதியோடு இந்த மசோதா கொண்டு வரப்படுகிறது. இதுதான் இந்த மசோதாவின் உட்கருத்தாகும்.

“ஆனால் சிலர் சொல்லுகிறார்கள் நான்கு தவணைக்குள் எப்படிக் கொடுப்பது என்பதாக, மற்றொருவர் ஆறு தவணைகளில் கொடுக்கலாம் என்கிறார். இன்னொருவர் 10 தவணைகளில் கொடுக்கலாம் என்கிறார். இப்படி அவரவர்கள் அவர்களுடைய செளகரியத்தை உத்தேசித்து சொல்லிக் கொண்டு போனால் எவ்விதமான பிரயோஜனமும் இல்லை. பொதுவாக விவசாயிகளுடைய நன்மையை உத்தேசித்து நான்கு ஆண்டுகளில் நான்கு தவணைகளில் வசூலித்துக் கொள்ளலாம் என்று சர்க்கார் எல்லாவற்றையும் பரிசீலித்தே கொண்டு வந்திருக்கிறார்கள். ஆகவே இந்த மசோதாவை முழுமனதுடன் வரவேற்கப்பட வேண்டியதாகும். நானும் வரவேற்கிறேன்.

“இந்தச் சட்டத்தைக் கொண்டுவந்திருப்பதற்குக் காரணம், இந்தச் சட்டத்தின் நோக்கம் முதலியவற்றை நன்கு கவனித்து இதிலுள்ள சிறப்பான அம்சங்களைப் பாராட்டவேண்டுமென தவிர, இந்த மசோதாவின் கருத்துக்கு உட்படாத பல்வேறு விஷயங்களைக் குறிப்பிட்டு அவை எல்லாம் இதில் காணப்படவில்லை என்று குறை சொல்வதில் பிரயோஜனமில்லை. ரூ. 150-க்குள் கிஸ்தி கட்டும் விவசாயிகளுக்கு எல்லாம் இந்த மசோதாவினால் அனுசூலம் உண்டென்றால் உடனே, ரூ. 250, ரூ. 500-க்குள் கிஸ்தி கட்டும் விவசாயிகளுக்கு எல்லாம் இந்த மசோதாவினால் அனுசூலம் ஏற்படும்படி செய்யாதது ஒரு குறை என்று சொல்வது சரியல்ல. அதன்படி நாம் 500 ரூபாய்க்குள் கிஸ்தி கட்டும் விவசாயிகளுக்கும் இதனால் சலுகை கிடைக்கும் என்றால் பின்னர் 1,000 ரூபாய் கிஸ்தி கட்டும் விவசாயிகளுக்கும் சலுகை கொடுக்க வேண்டுமென்று சொல்லப்படும். ஆகவே, இதற்கு ஒரு முடிவேயிருக்காது. கூடுமானவரையில் சர்க்கார் உண்மையான விவசாயிகளுக்கு அனுசூலம் செய்யவேண்டுமென்ற நோக்கத்தோடேயே இதைக்கொண்டு வந்திருக்கிறார்கள். அதற்காகவே ரூ. 150-க்குள் கிஸ்தி கட்டும் விவசாயிகளுக்கு இதன் பயன் பூர்ணமாக உண்டு என்று சொல்லப் பட்டிருப்பதையும் வரவேற்கிறேன். ஆனாலும் ஒரு விஷயத்தை மட்டும் அரசாங்கத்தின் கவனத்திற்குக் கொண்டுவரப் பிரியப்படுகிறேன்.

“சர்க்கார் கொடுத்துக் கொண்டிருக்கும் தக்காவிக் கடன் வசதி விவசாயிகளுக்கு எல்லாம் நன்கு கிடைக்கும்படியாகச் செய்யவேண்டும். அப்படிச் செய்தால்தான் ஏழை விவசாயிகளுக்கு கூடுமானவரையில் அனுசூலம் ஏற்படும். இன்றையதினம் இந்தத் தக்காவிக் கடன் கிடைக்காததின் காரணமாக மாணவாரிப் பிரதேசத்தில், காடாரம்பப் பிரதேசத்திலுள்ள விவசாயிகள் பெரிதும் கஷ்டப்படுகிறார்கள். அவர்களுக்கு எல்லாம் பொருளாதார வசதி அளித்தால்தான் நன்கு விவசாயம் செய்ய முடியும். நீண்ட கால தவணையில் கடனையும் திருப்பித்தர முடியும்.

24th February 1955] [Sri A. Subramanyam]

“அதோடு விவசாயிகளுக்குக் கடன் கொடுக்கும்போது நிலத்தின் மதிப்பை முன்பு எதோ ஒரு காலத்தில் இருந்த மதிப்பை வைத்துக்கொண்டு மிகக் குறைந்த பணமே கடன் கொடுக்கிறார்கள். ஒரு ஏக்கராவுக்கு மதிப்பு 50 ரூபாய் என்று போட்டு பத்து ஏக்கர் நிலம் ஒருவருக்கு இருந்தால் குறிப்பிட்ட மதிப்பிற்கு பாதி 250 ரூபாய்தான் கொடுக்கிறார்கள். அந்த 250 ரூபாய்க்கு ஒரு ஜதை மாடுகள்தான். வாங்கலாம். தண்ணீர் இறைக்க கவலையோ அல்லது எருவு சம்பந்தமானவைகளோ வாங்க முடியாது.

“என் அனுபவத்தைப் பொறுத்தவரையில் ஒரு விஷயத்தைச் சொல்ல விரும்புகிறேன். எனக்கு காரங்கிரஸ் தியாகி என்ற பெயராலே 5 ஏக்கரா நிலம்தான் கொடுத்தார்கள். நான் அப்பொழுதே காரங்கிரஸ் தியாகி களுக்குப் பத்து ஏக்கரா நிலம் கொடுக்கலாமென்று சொல்லப்பட்டிருக்கிறதே. எனக்குப் பத்து ஏக்கரா கொடுக்கக்கூடாதா என்றேன். ஆனால் அதற்குப் பதில் ‘உன் ஒவ்வொரு ஏக்கராவும் ஆயிரம் ரூபாய் மதிப்புப் பெறும்’, என்றுார்கள். ஆனால் இந்த ஐந்து ஏக்கராவில் விவசாயம் செய்யவேண்டுமென்பதற்காக நான் தக்காலிக் கடனுக்கு மனுச்செய்து கொண்டேன். அப்பொழுது என்னுடைய ஒவ்வொரு ஏக்கராவின் மதிப்பும் 50 ரூபாய் என்று போட்டு கடன் ரூ. 250 தான் கொடுக்கப்படும் என்று சொன்னார்கள். இப்படி கடன் கொடுக்கும்போது ஒரு மதிப்பு, நிலம் கொடுக்கும்போது ஒரு மதிப்பு, வரி விதிக்கும்போது ஒரு மதிப்பு, தக்காலிக் கடன் கொடுக்கும்போது ஒரு மதிப்பு என்று போடுவது அவ்வளவு சரியல்ல. ஆகவே எமை எளிய விவசாயிகளுக்கு இன்றைக்கு இருக்கக்கூடிய நில மதிப்பை வைத்துக்கொண்டு அதிகமாகத் தக்காலிக் கடன் உதவி செய்யவேண்டுமென்பதை வற்புறுத்திக் கேட்டுக்கொண்டு நான் எனது வார்த்தையை முடித்துக்கொள்ளுகிறேன்.”

*SRI V. V. RAMASWAMI:—“கனம் உதவி தலைவர் அவர்களே, இந்தக் கடன் வாய்தர மசோதாவில் பல குறையீடுகள் சொல்லப்பட்டன. இந்த மசோதா வருவதற்கு முக்கியமான காரணம் சென்ற ஆண்டில் கடன் ஒத்திவைப்புச் சட்டம் நிறைவேற்றப்பட்டதுதான்.

“ஆனால் அந்தச் சட்டம் கொண்டுவரப்பட்டதற்குக் காரணம் என்ன? அது எந்தச் சூழ்நிலையில் கொண்டுவரப்பட்டது என்பதெல்லாம் சரியாக விளக்கப்படவில்லை. எதிர்க் கட்சிக்காரர்களோ அல்லது அரசாங்கக் கட்சியைச் சார்ந்தவர்களோ, அந்தச் சட்டம் வேண்டுமென்று கிளர்ச்சி செய்ததாகத் தெரியவில்லை. ஒரு வேளை எதிர்க் கட்சிக்காரர்கள் மக்களது கவனத்தைக் கவர்ந்து வருகிறார்களே, நாமும் ஏதாவது செய்வோம் என்கின்ற எண்ணத்தில் இந்தச் சட்டத்தைக் கொண்டுவந்திருக்கக்கூடும்.

“அது எப்படியிருந்தபோதிலும் அந்தச் சட்டத்தைச் சர்க்கார் கொண்டு வந்ததின் காரணமாக கடன் வாங்கியவர்களிடையே ‘ஒரு வருடம் கழித்துப் பார்த்துக்கொள்வோம்’ என்கின்ற மனப்பான்மை ஏற்பட்டுவிட்டது. அதோடு கடன் ஒத்திவைப்பு மசோதாவைக் கொண்டுவந்தது நம் சர்க்கார்தானே. அவர்கள் ஒரு ஆண்டுக்குப்பின் கடன் நிவாரணச் சட்டம் கொண்டு வரமாட்டார்களா என்ற எண்ணமும் வளர்ந்து விட்டது.

“அதனால் விவசாயிகளுக்குக் கடன் கொடுப்பவர்கள் பயப்படவேண்டிய நிலை ஏற்பட்டது. விவசாயிகளுக்குச் கடன் கிடைக்கும் வழிகளும் சுருங்கி விட்டன. இந்த நிலையில் அந்த மாரபோரியம் சட்டம் ஒரு ஆண்டுபோடு முடிவடைந்துவிடுவதால், கடன் கொடுத்தவர்கள் கோர்ட்டில் அவர்கள் பேரில் தாவாபோட்டு அவர்கள் நெறிக்காமல் இருக்க சர்க்காருக்கு இந்தச் சட்டத்தைக் கொண்டு வருவதைத் தவிர வேறு வழியில்லை. ஆதலால் சர்க்கார் வாங்கிய கடனைத் தவணைகளில் கொடுக்கவேண்டுமென்பதற்காக இந்தச் சட்டத்தைக்கொண்டு வந்திருக்கிறார்கள். ஆகவே இது எல்லோராலும் வரவேற்கவேண்டியதாகும். ஆனால் கனம் ராஜாஜி சொல்லின்படி இம்மசோதாவை நிறைவேற்றிவிட்டு கவர்னர் அல்லது பிரசிடெண்ட்

[Sri V. V. Ramaswami] [24th February 1955]

அங்கீகாரம் வாங்காமல் நிறுத்திவிட்டிருக்காணால் கெடுதி ஏற்படும். அமைச்சர் அவையின் நற்பெயரும் கெட்டுவிடும். ஆகவே கனம் ராஜாஜி சொல்லியபடி செய்யாதீர்கள்.

“நிற்க கிராமங்களிலுள்ள விவசாயிகளின் நிலைமையைப் பார்த்தால் ரொம்பவும் கஷ்டமாகியிருக்கிறது. கிராம மக்கள் அரசாங்கத்திடம் என்ன எதிர் பார்த்திருந்தார்கள் நிலஉரிமைச் சட்டம், அதாவது தானே உழுது விவசாயஞ் செய்பவருக்குத் தேவையான நிலம் கிடைக்கும்படி செய்தல்; கடன் பளுவைக் குறைக்க ஏற்பாடு ஆகிய இரண்டு சீர் திருத்தங்கள்தான். ஆகவே அரசாங்கத்தார் இந்த மசோதாவைக் கொண்டுவருவதோடு நின்று விடாமல் கூடியசீக்கிரத்தில் அவர்களுடைய கடன் பளுவையும் குறைப்பதற்கு ஒரு ஏற்பாடு செய்யவேண்டும். இவ்வளவு நிலம்தான் ஒருவர் வைத்துக் கொள்ளலாம், தேவையான கடன் சர்க்காரே அவர்களுக்கு உதவி செய்யும் என்பது போன்ற விரிவான சட்ட திட்டங்களை ஏற்படுத்தவேண்டும்.

“இன்றைய தினம் கிராமங்களிலுள்ள விவசாயிகளுக்கு கடன் உதவியார் செய்கிறார்கள் என்று பாரக்கவேண்டும். அவர்களுடைய சுற்றத்தார்கள், பெரிய விவசாயிகள், வியாபாரிகள் ஆகியோர்தான் உதவி செய்கிறார்கள். சில பேர்கள் கூட்டுறவு சங்கங்கள் மூலம் குறைந்த வட்டிக்கு கடன் வாங்கியிருக்கிறார்கள்.

“கூட்டுறவு சங்கங்கள் எல்லோருக்கும் தாராளமாக கடன் கொடுக்க சட்ட திட்டங்கள் இடங்கொடுக்கவில்லை. அதுவும் வேண்டிய காலத்தில் கிடைப்பதில்லை. ஆகவே விவசாயிகளுக்குத் தேவைப்படும் பணம், வேண்டிய காலத்தில் உடனுக்குடன், குறைந்த வட்டியில், அவ்வூரிலேயே கிடைக்கும் வழி செய்யவேண்டும்.

“ஆகவே இந்தச் சட்டத்தை நாம் நிறைவேற்றி விட்டாலும்கூட விவசாயிகளுக்கு வேண்டிய காலத்தில் உடனாகுடன் கடன் கிடைக்க சகக்கார் தக்க ஏற்பாட்டைச் செய்வதும் ரொம்ப அவசியம் என்று இச்சந்தர்ப்பத்தில் சொல்லிக்கொண்டு இந்த மசோதாவுக்கு என் ஆதரவைத் தருகிறேன்.”

5-20
p.m.

* THE HON. SRI M. A. MANICKAVELU NAICKER:—

“Mr. Deputy Chairman, Sir, I wish to state at the outset that the Government are as much aware as hon. Members who spoke earlier are that the normal course of law and the regular operation of contractual relations should be allowed to go on without interference. But we must go a little into the background of this Moratorium legislation, that is, the conditions which necessitated the passing of this Act. It is admitted on all hands that any Moratorium Act is an emergency measure which ought not to be resorted to lightheartedly. We know it should be thought of only in very exceptional circumstances. And now, we must examine whether there was such an emergency when this measure was first undertaken last year. I submit, there was such an emergency last year. Hon. Members are aware that we had had a very bad time for six or seven years on account of continuous failure of monsoons. In fact, during living memory, we have never had such a bad period. So much so, the Government had to spend a large sum of money—several crores of rupees—on relieving famine and the sad plight in which the ryots found themselves on account of failure of rains. Not only this. Thousands of gruel centres were opened, which cost the Government one or two crores of rupees, to feed the people. So, it was a very abnormal situation which we never had for thirty or forty years. In these circumstances, a

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Kind-hearted Chief Minister at that time—a person who has great sympathy for agriculturists—thought that a measure like the Moratorium Act should be passed and this House passed the measure. In getting the Act passed, the Government said that the operation of the Act would be for only one year and that it would not be extended beyond that period. Even the author of that Act has come here and said that it is wrong to extend the life of the Act. I am glad that we are now able to read the mind of the author of that Act unlike as in the case of Shakespeare's works, where one cannot say what Shakespeare had in his mind when he wrote his works and where one sees different interpretations and so many books have been written on how the mind of the author should have worked. Now there is no difficulty and the author is here. He has plainly told us what he has in his mind."

* DR. V. K. JOHN :—" You did not know it before? "

THE HON. SRI M. A. MANICKAVELU NAICKER :—" We knew it also. Kindly wait for some time. You will know about it. The Government also knew what he had in his mind. That is the reason why, I submit, we have not extended the Moratorium Act. It was suggested that there was a breach of the promise. I claim, there was no breach at all. If, however, it is asserted that there was a breach, I concede there was a breach only in so far as the Act was extended to be in operation for a few weeks more than the stipulated period so that, meanwhile, we could pass this Act. So, the Moratorium Act is dead, dead as a door nail. Then, why have we undertaken this piece of legislation? Having passed the Moratorium Act and created a situation in the countryside which has rudely disturbed the condition of credit system, are we justified in simply keeping quiet? We are not justified in sitting quiet. This is a sort of a consequential measure. Rajaji got the Moratorium Act passed. We are bringing in a consequential amendment to it, so to say. I am only carrying out an amendment. If I do not do it, there will be a hopeless state of affairs created in the country. The whole process is something like applying the vacuum brake. The brake was applied last year. Now it should be released. If we suddenly release it, the car will be damaged. We are now enabling the debtors to pay their dues in instalments. Otherwise, what will happen is this. The creditors like crows will have their prey. They have been shut out on account of the rains, if I may figuratively put it. As soon as the rains stop, they will prey with redoubled vigour. For one year, they were made to keep quiet. Now, they will rush to the courts and the situation will become worse. Then, the rvots will curse the Chief Minister who introduced this Act. They will say: ' Why did this person introduce this measure? If things had been allowed their normal course, it would have been better.' They will feel very unhappy about the moratorium granted to them. In order to avoid the spectacle of creditors rushing to the courts at one time,

[Sri M. A. Manickavelu Naicker] [24th February 1955]

we are introducing this measure. Further creditors are afraid that some new Act may come like the 1938 Act and scale down the debts. So, they would like to collect their dues at the earliest moment possible. Therefore this bill is the most logical thing that one can think of in the circumstances."

* DR. V. K. JOHN :—" You do not call this moratorium? "

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" No, Sir. I do not call it moratorium. Dr. John asks: ' Why do you regulate payment of dues in instalments? ' Government would have kept quiet. But we also know something about courts. Now, of course, there is a liberal tendency on the part of courts to grant ' instalments '. But about twenty years ago, things were so hard that judges used to be nicknamed ' instalment judge ' when they allowed ' instalments ' and ' Draconian judge ' when they never gave ' instalments '. That was the state of affairs then. Even now, we cannot entirely depend on courts. There are judges and judges. Some judges may say that they will not give time for repayment and some may give. So, let there be no criticism levelled against us that . . . "

* DR. V. K. JOHN :—" Have the Government lost faith in courts? "

5-30
P.m.

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" It is not a question of losing faith in courts. Courts like advocates like Dr. John differ from one another. It was also suggested that we had succumbed to political propaganda and political pressure. Especially the Communists come in for everything. It is not a question of yielding to pressure. Of course there was representation from the ryots and others. But we have brought this measure of our own accord—*suo motu*. You may say it is right or wrong. Having done something earlier, I mean having worked the Moratorium Act for one year, the necessary corollary was to bring forward this Bill."

DR. V. K. JOHN :—" May I ask whether this Bill is a corollary to the Moratorium Act? "

THE HON. SRI M. A. MANICKAVELU NAICKER :—" In a sense so. It is too soon to forecast anything. We shall wait and see. Let not the hon. Member be very anxious. We thought how best to extricate ourselves from the situation that has been created by the passing of the Moratorium Act. We thought that this was the best way to deal with the debtor, the creditor and the credit system of the country.

" The discussion has been carried on here from two angles, one taking into consideration the difficulties of the debtors and the other, that of the creditors. One was that the debtor should be given more facilities, that the exemption should not be limited to persons paying a land revenue of less than Rs. 150 but that the exemption limit should be Rs. 200 or Rs. 300. The other was

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that the creditor advanced money in an emergency, that the creditor has also got to live and that therefore his credit should not be blocked and all that. Something could be said for both sides. But the Government thought over the whole problem and they wanted to steer clear of both these two extremes. I think we have done the right thing in having brought forward this Bill.

"An hon. Member said there were certain complications in this Bill, I mean legal complications. Complications are always there. If there are no complications in law making, there is no room for lawyers in the country. The whole tribe as such will go. (Laughter.) However much we may try, there will be some difficulty. Lawyers must remove them. They will flourish only then. We shall as far as possible try to remove the complications when we make rules under the Act."

DR. V. K. JOHN :—"Are the Government providing for lawyers?"

* THE HON. SRI M. A. MANICKAVELU NAICKER :—"There are of course State lawyers. I think the hon. Member has also had something to do with this though a State lawyer. He is still at loggerheads with Government. It is not yet settled.

"Sir, the question of notice of the amendments have been raised by my lawyer friends. I think hon. Members would realise our difficulty. We have got only two or three days left before the Moratorium Act expires. Before that we have to pass this measure, get the assent of the Governor and the President. All these have got to be done before the end of this month. The hon. Member Sri K. Balasubramania Ayyar said that the object of his moving his amendments was only to let Government take due notice of them. I can assure him that Government will take due notice and judicial notice of what all he said and bear it in mind and would try to see how far the provisions could be perfected in the rules which we would be making under this Act. That is why I am not accepting any amendment for the very good reasons I have stated already. Therefore I would request hon. Members to withdraw the amendments they have given notice of and see to it that this Bill is passed as early as possible."

DEPUTY CHAIRMAN :—"The question is—

'That the Madras Indebted Agriculturists (Repayment of Debts) Bill, 1955 (L.A. Bill No. 2 of 1955), as passed by the Assembly be taken into consideration.'

The motion was carried and the Bill was taken into consideration.

Clause 2.

* SRI K. BHASHYAM :—"Sir, I move—
'In sub-clause (a) (i) for the words "one hundred and fifty rupees" substitute the words "one hundred and one rupees".'

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" I am moving this amendment not merely with a view to fixing Rs. 101 as the limit instead of Rs. 150 as stipulated in the Bill. In all these cases there should be some sort of classification, which the Government have got to prove before the courts. That contingency might arise sometimes when a case is taken to a court. I have put the figure at Rs. 101 because during the time Rajaji was the Chief Minister, he once ordered that only to those paying Rs. 101 and less, remission of land revenue could be granted. I had the honour of arguing in the Court in a case that that order of Rajaji stating that only those paying a land revenue of Rs. 100 and less would be granted remission of land revenue, was against the Constitution. The Judges who heard the case decided that the classification of Rs. 100 fixed was a correct classification and was justifiable. They thus upheld Rajaji's classification. That is why I say in the matter of classification, we could safely take that limit of Rs. 100 which has been upheld by the Court as a safe classification. That is why I have moved my amendment so that instead of saying in sub-clause (a) (1) 'one hundred and fifty rupees' we could say 'one hundred rupees'."

For want of a seconder, the amendment of Mr. Bhashyam fell through.

* SRI K. BALASUBRAMANYA AYYAR :—" Sir, I move—

' In sub-clause (b) (iii) after the words "breach of trust" add the following :—

" or any obligation in the nature of trust as defined in Chapter (9) of the Indian Trust Act of 1882 " '

Merely saying 'breach of trust' is not enough. There are certain obligations in the nature of trust and all those things have been defined in the Indian Trust Act of 1882. I shall give one illustration. A, a partner employed on behalf of himself and his co-partners is negotiating the terms of a lease and clandestinely stipulates with the lessor payment to himself of a lakh of rupees. A holds the lakh for the benefit of the partnership. Merely saying 'breach of trust' will not cover the points covered in the illustration I have given. There may be a trust orally. Breach of that oral promise may also constitute breach of trust. The other obligations connected with the nature of a trust are all clearly defined in Chapter IX of the Indian Trust Act. I think it would be better if those obligations as defined in the Trust Act are also included rather than simply restricting the definition to merely saying 'breach of trust' and leaving it to the Court to decide. I think it would be better to be clear in our definitions so that the Courts may decide the issue whether there has been a breach of trust or any obligation in the nature of trust as defined in the Indian Trust Act, 1882. That is why I request that my amendment may be accepted."

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* THE HON. SRI M. A. MANICKAVELU NAICKER :—“ I have no objection so far as the merits of the present amendment go. But considering the situation in which we are placed now, we have to draw the line somewhere. Therefore I am sorry I cannot accept the amendment.”

DEPUTY CHAIRMAN :—“ The hon. Member is not withdrawing his amendment? ”

SRI K. BALASUBRAMANYA AYYAR :—“ I am not withdrawing my amendment, Sir.”

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p.m.

DEPUTY CHAIRMAN :—“ The question is—

‘ In sub-clause (b) (iii) after the words “ breach of trust ” add the following :—

“ or any obligation in the nature of trust as defined in Chapter (9) of the Indian Trust Act of 1882 ” ’

The amendment was lost.

* SRI K. BALASUBRAMANYA AYYAR :—“ Sir, I move the amendment standing in my name, namely,—

‘ In sub-clause (b) (vi) after the words “ Chit Fund Scheme ” add the words “ or any nidhis or mutual benefit societies ”.’

Sir, the Joint Select Committee has accepted the principle that any liability arising from any Chit Fund should be exempted. Here in the definition they have put in a clause saying ‘ (vi) any liability incurred or arising under any Chit Fund Scheme ’. At the Joint Select Committee stage some of us said that there were benefit societies in which people took shares and paid money. A number of people join together and the loan is paid only to the shareholders. The whole society is run by the shareholders. If there is any default by any shareholder, he will have to pay some penal interest. Time is of the essence in the whole transaction, and that is why Chit Fund is exempted here. In the same way, I want the benefit societies also should be exempted. Sri Purushothama Mudaliar will bear me out when I say that the Hon. the Revenue Minister said that he would look into this matter then. We must exempt these benefit societies also. Therefore it is I make bold to bring in this amendment that benefit societies, which are run on the same lines as the Chit Funds, should be exempted.”

The amendment was duly seconded.

DEPUTY CHAIRMAN :—“ Amendment moved—

‘ In sub-clause (b) (vi) after the words “ Chit Fund Scheme ” add the words “ or any nidhis or mutual benefit societies ”.’ ”

* SRI T. PURUSHOTHAM :—“ Sir, we have put in the Bill the words ‘ any liability incurred or arising under any Chit Fund

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Scheme'. Nidhis or mutual benefit societies will get the exemption as they come under Chit Fund Scheme. So, there is no need for a formal amendment of this kind. They would naturally get the exemption if they are similarly placed as chit funds and I believe there is no need for the amendment."

SRI T. M. NARAYANASWAMI PILLAI:—"Sir, mutual benefit societies can be included. There is no harm in including them."

THE HON. SRI M. A. MANICKAVELU NAICKER:—"Sir, it is true that this was raised at the Joint Select Committee stage, and it is for that reason, as my hon. Friend pointed out, that the words 'Chit Fund Scheme' are put in so that any nidhi working on the basis of a Chit Fund Scheme by monthly contribution may also come under it. Such nidhis as work on the Chit Fund model will also have the benefit."

SRI K. BALASUBRAMANYA AYYAR:—"Sir, I hope and trust that this assurance will be carried out in the rules to be framed."

SRI T. PURUSHOTHAM:—"Sir, in view of the assurance given, the hon. Member may withdraw his amendment."

* SRI K. BALASUBRAMANYA AYYAR:—"Sir, I have a little doubt. I think, Sir, if the principle holds good, they must accept the principle and not the details. I have to point out that benefit societies and nidhis would not be exactly like Chit Funds. They may be different. But if the principle is accepted and you are satisfied, I have no objection."

The amendment was by leave of the House withdrawn.

Clause 2 was put and carried.

Clause 3 was put and carried.

Clause 4.

DEPUTY CHAIRMAN:—"Motion moved—

'That Clause 4 do stand part of the Bill.'"

SRI K. BALASUBRAMANYA AYYAR:—"Sir, I move the amendment standing in my name, namely,—

'Add the following as new sub-clause (8):—

"Where the debtor fails to make any one of the payments specified in sub-section (1) on the due date or on the extended date under section 5, sub-section (4), the whole amount of the balance of the debt or decree shall become due irrespective of the instalments fixed in the decree."

Sir, the general principle is that where an instalment decree is given, and if the debtor does not fulfil his obligation to pay money at the particular time, even though the decree-holder is not allowed

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to execute the decree for the whole amount, still the whole amount becomes due. That is the principle that has to be accepted. In clause 5, sub-clause (4), power is given to him to apply for extension of the instalment. Even after granting extension of time, the debtor does not pay. What is to be done? (Interruption.) Therefore it is, Sir, I have moved my amendment."

Dr. V. K. John seconded the amendment.

* SRI T. M. NARAYANASWAMI PILLAI :—" Sir, I oppose this amendment for this reason. Generally it is a well-known principle that where payment by instalments is provided for, the provision that the whole amount should become payable in default of payment of one instalment is in the nature of a penalty. Let us be true to our aims. We are trying to provide relief to small debtors. What is the use of saying that if a debtor commits default, the whole amount should become due from him? The principle behind this amendment is understandable. Rightly or wrongly, he would be liable to pay only that instalment. I strongly oppose this amendment by which an attempt is made to make the whole amount become payable even if there is default in payment of only one instalment."

* DR. V. K. JOHN :—" Sir, I feel there is some misunderstanding. When there is a provision that a debtor must pay only in instalments, necessarily there must be a provision for default that the whole amount will become due. Otherwise what is the meaning in making provision for payment by instalments? This can be provided for in the rules. Otherwise nobody will pay the instalments. The creditor will again have to go to the Court and ask for the recovery of the instalment. The rules must say that if the debtor does not pay one instalment on the appointed date, the whole amount will become due. This has got to be provided for in payment of only one instalment."

* SRI K. BHASHYAM :—" Sir, I think that if this amendment is accepted it will frustrate the whole Bill. In all contracts, it is said that if a person does not pay an instalment due, the whole amount shall become due and be payable. That is the usual thing put in. That is the debtor is to keep to the promise of the bargain. The principle of the Bill is to pay the debt in instalments. If a person does not pay his instalment, we proceed on the presumption that he is not able to pay in time, and that he wants further time. We presume that he is not able to pay and not that he is not willing to pay. If we proceed on the basis that a person will not pay, the amendment may be all right. But we do not proceed on that basis. We proceed on the assumption that when a debtor is not able to pay, he deserves some consideration in the matter of repayment. That is why I oppose the amendment, Sir."

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* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, I oppose the amendment, as it goes against the scheme

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of our arrangement. Even if one instalment is not paid, the next instalment will become due in due course. If we accept the amendment, it will go against our objective."

* SRI K. BALASUBRAMANYA AYYAR :—" Sir, instalments are provided for by the Legislature so that it may be easy for the debtor to repay the debt. That is the object of giving the instalments. If a debtor wants to frustrate this object, he could easily do it. The Legislature should not allow a loophole which will help him in the matter. I know some of them deliberately default in paying their instalments. I also know that when a particular instalment is not paid, an instalment decree can be obtained. Even here some people will default. Then the whole thing will be set at naught. I am not saying that we are legislating for such bad people. Anyway, we have to guard against such people. It is only for that purpose, I have moved my amendment, Sir."

The amendment was put and lost.

Clause 4 was put and carried.

Clauses 5 and 6 were put and carried.

Clause 7.

SRI K. BALASUBRAMANYA AYYAR :—" Sir, I move the following amendment :—

'Add the following as new clause 7-A :—

"Where in execution of a decree against an agriculturist debtor, his property has been sold, every other creditor of his shall on application within thirty days of the sale be entitled to rateable distribution of the amount realized by such sale less the cost of execution and expenses of the sale in respect of the amount of debt remaining due to him, whether it has matured into a decree or otherwise notwithstanding any other law to the contrary."

Sir, this new clause is necessary to obviate certain difficulties which may arise in actual practice. The Act does not apply in the case of debts after 1953. According to the present provisions in the Bill, when in execution of a decree against an agriculturist debtor, his property is sold, all the creditors will not get the dues due to them from the agriculturist debtor concerned. Only those creditors coming under the Act will have a remedy when the property is sold. The other creditors will have no remedy at all. That is why I have said in my amendment that every other creditor of the agriculturist debtor shall on application within thirty days of the sale be entitled to rateable distribution of the amount realized by the sale of the property. This is the general principle which I want to be incorporated in this legislation. We should not allow one creditor to walk away with the money leaving the other credi-

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tors without any remedy whatsoever. It is only to enable the other creditors also to have some remedy in the matter I have moved my amendment and I request that it may be accepted."

DR. V. K. JOHN :—" I second the amendment, Sir."

* SRI K. BHASHYAM :—" Sir, this is one of the defects in the Bill which has to be taken note of, and rectified by the Government as early as possible. I do not want to stand in the way of this Bill being passed now. I only want the Government to carefully look into the matter. When a property of an agriculturist debtor is sold, we must allow for rateable distribution. It is a valuable right which a person has got and it is not proper to deprive him of it. I only request the Government to take note of this fact and if necessary, to bring an amending Bill at an early date, as it is only a matter between creditor and creditor."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, this point was taken note of by us and we thought that it was not possible to accept the suggestion. When the whole property is brought to sale, there is already a remedy under the Insolvency Act and that could be taken advantage of for rateable distribution."

* SRI K. BALASUBRAMANYA AYYAR :—" Sir, I am also aware of the provision in the Insolvency Act. But, there is a difficulty in applying it to the present case. Under the Insolvency Act, somebody should put in an application. That is the worst remedy to be thought of. When the whole property is sold, I know the matter will come under the Provincial Insolvency Act. But, unfortunately advantage cannot be taken of that Act. Because, when a particular creditor walks away with all the money, what can the other creditors do? That is why I say that it is a clumsy remedy. Let the Hon. Minister kindly consult the Legal Advisers to the Government. As this is a matter between creditor and creditor and has nothing to do with the agriculturist debtor, I hope that something will be done in the matter."

DEPUTY CHAIRMAN :—" The question is—

Add the following as new clause 7-A :—

" Where in execution of a decree against an agriculturist 6 p.m.
debtor, his property has been sold, every other creditor of his shall on application within thirty days of the sale be entitled to rateable distribution of the amount realized by such sale less the cost of execution and expenses of the sale in respect of the amount of debt remaining due to him, whether it has matured into a decree or otherwise notwithstanding any other law to the contrary." "

The amendment was lost.

Clause 7 was put and carried.

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Clause 8.

SRI K. BALASUBRAMANYA AYYAR :—“ Sir, I move—

‘ Add the following as sub-clause (b) and renumber the existing clause as sub-clause (a) :—

“ (b) In respect of any debt or decree to which this Act will not be applicable and which would have become barred but for the application of Act V of 1954, to such debt or decree, the time during which such suit or application was barred by Act V of 1954 and the period of one month after the 1st March 1955 shall be excluded from the period of limitation applicable to such suit or application.”

Sir, under the Bill all claims which are barred by the Moratorium Act and also the Extension Act are sought to be barred on 1st March 1955 also. As things stand at present, two things are likely to happen. The creditor must file a suit on 1st March 1955. One difficulty is it is difficult on the part of the creditor to file a suit immediately because he does not know—or will not know until 28th February 1955—whether the Bill that we are discussing will become law on 1st March 1955 or not.”

THE HON. SRI M. BHAKTAVATSALAM :—“ He does not know either that the Moratorium Act is to be extended. Normally, the existing Act expires at the end of the month and, therefore, he should be prepared for filing the suit.”

* SRI K. BALASUBRAMANYA AYYAR :—“ I am only pointing out the difficulties of the creditor. If the creditor has not yet known it is to be extended and has to file a suit on 1st March 1955, there will be some difficulty. He must get legal advice and do ever so many other things. Then, there is another difficulty. Suppose the creditor does not want to get the money at once but is prepared to take it in instalments. Have you given him any time to think about it? Very probably, as there are instalment decrees proposed under the present Act, every creditor might have some idea of getting the money in instalments and would like to stipulate the number of such instalments. You do not give him facilities to do so. Court-fee has to be paid here. If both the parties agree, of course, it is a different matter. Sir, even in the case of compromise decrees, I know of cases wherein money intended to be paid on the spot by the debtor to the creditor was not so paid. I know of a particular case at Chidambaram where, when the Moratorium Act was about to be passed into law, a man who had in his pocket a sum of Rs. 3,000 for payment to his creditor quietly evaded paying it and went away. This is no exaggeration. Such things do happen. So, I would request the Government to accept my amendment so that an opportunity may be given to the generous creditors to help the debtors by not filing the suit and making the debtors liable to court-fee.”

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DR. V. K. JOHN :—“ I second the amendment, although the Government have already given deep consideration to this question.”

* SRI K. BHASHYAM :—“ Sir, this is another matter on which the Government must bestow their attention. ‘Debt’ as mentioned in the present Bill is circumscribed in its definition unlike in the Moratorium Act. Persons will be prevented from filing suits on 1st March 1955 and this provision will be in operation for four months in respect of debts covered by the Bill. But you do not fix any such time-limit in respect of debts which are outside the scope of the Bill. In such cases it will be a great hardship on creditors. There will be cases involving thousands of rupees which may not be of the type mentioned in the Bill. In all these cases, the question of limitation will arise. Some provision must be made in respect of these cases and I hope that the Government will bring in an amending Bill soon to set right matters.”

DR. V. K. JOHN :—“ They will not do it.”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Sir, I am glad that the Deputy Leader of the Opposition is answering for the Government. I beg to submit, Sir, that people were and are quite aware of the provisions of the Act. They have had ample time for doing what is necessary. They must be wary. It is just like this. When holidays interfere with limitation of appeals, lawyers will be very particular to see that the appeals are not time-barred and will file appeals on the re-opening day. That is why there is a heavy rush of suits in courts after the holidays. The man who has got money must be careful and it is only the moneyed man who is always careful.”

DEPUTY CHAIRMAN :—“ The question is—

‘Add the following as sub-clause (b) and renumber the existing clause as sub-clause (a) :—

“(b) in respect of any debt or decree to which this Act will not be applicable and which would have become barred but for the application of Act V of 1954, to such debt or decree the time during which such suit or application was barred by Act V of 1954 and the period of one month after the 1st March 1955 shall be excluded from the period of limitation applicable to such suit or application.”

The amendment was lost.

Clause 8 was put and carried.

Clauses 9 and 10 were put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

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THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, I move—

' That the Madras Indebted Agriculturists (Repayment of Debts) Bill, 1955 (L.A. Bill No. 2 of 1955), as passed by the Assembly be passed.'

In doing so, I thank the hon. Members for their great co-operation and the very useful suggestions that they have made. These will be duly considered and everything practicable will be done."

* DR. V. K. JOHN :—" May I express my sincere hope that the Government will before long introduce a comprehensive Bill for the liquidation of agricultural indebtedness and that this Bill when passed into law will not dislocate the economy of the countryside to any serious extent? "

DEPUTY CHAIRMAN :—" The question is—

' That the Madras Indebted Agriculturists (Repayment of Debts) Bill, 1955 (L.A. Bill No. 2 of 1955), as passed by the Assembly be passed.' "

The motion was put and carried.

DEPUTY CHAIRMAN :—" I adjourn the House to meet at 3 p.m. tomorrow."

The House then adjourned.

வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS

24th February 1955]

APPENDIX I.

[Vide answer to starred question No. 192 asked by Sri T. Purushotham at the meeting of the Legislative Council held on 24th February 1955, page 117 supra.]

Rules governing the conditions of service of the maistries in the Electrical Engineer (General) Division of the Public Works Department.

Rule 1—Short title, extent and commencement.—(a) These rules may be called the Madras Electrical Engineer (General) Division provincialized Electrical Installation Works (Non-Statutory) Rules.

(b) These rules shall come into force from the 1st April 1949.

(c) These rules shall apply to all the work-charged posts provincialized in G.O. Ms. No. 1954, P.W., dated 28th May 1949, as subsequently amended.

Rule 2—Appointment.—(a) Appointment to any of the posts to which these rules apply shall be either by direct recruitment or by promotion from any other post, the scale of pay of which is lower than the scale applicable to the post to which the appointment is made.

(b) All promotions will be made on grounds of efficiency, merit and ability, seniority being considered only when merit and ability are approximately equal.

(c) The seniority of an employee in any category or grade of posts included in the schedule shall unless he has been reduced to a lower rank as punishment be determined by the date of commencement of his service which counts towards probation.

Rule 3—Appointing authority, postings and transfers.—(a) The appointing authority for all the categories and grade of posts mentioned in the schedule shall be the Electrical Engineer (General).

(b) All postings and transfers shall be made by the appointing authority provided that the powers conferred on the appointing authority may be exercised also by any authority to whom the appointing authority is administratively subordinate.

Rule 4—Qualifications.—(a) No person shall be eligible for appointment by direct recruitment to any post included in the schedule if he has completed 25 years of age :

Provided that this age-limit may be relaxed in individual cases by the Chief Engineer, Public Works Department (General), for special reasons to be recorded in writing.

(b) No person shall be eligible for appointment in any post unless he satisfies the appointing authority that he possesses an adequate knowledge of the language of the area concerned and that besides he also possesses the technical knowledge and experience required for the discharge of his duties in that post.

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Rule 5—Probation.—Every person appointed to a category or grade otherwise than on promotion not involving the assumption of duties and responsibilities of greater importance shall from the date on which he joins duty in such category or grade be on probation for a total period of two years on duty within a continuous period of three years.

The authority to decide whether a particular promotion involves the assumption of duties and responsibilities of greater importance shall be the appointing authority himself (i.e.), Electrical Engineer (General).

Rule 6—Suspension or termination of probation.—At any time before the expiry of the prescribed period of probation the appointing authority may—

(i) discharge probationer from service or revert him to his permanent post or category for want of a vacancy.

(ii) at its discretion by order terminate the probation of probationer after giving him a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

Rule 7—Completion of probation and extension of probation.—At the end of the prescribed period of probation, the appointing authority shall consider the probationer's suitability for full membership in the category or post in which he is a probationer. If it is not able to come to a decision it shall by order extend the probation of the probationer by a period not exceeding six months so as to afford it a further opportunity to decide whether the probationer will be suitable for full membership. When the probation of a probationer is extended, his increment shall remain stopped until he completes his probation satisfactorily. Such stoppage shall not have the effect of postponing his future increments after satisfactory completion of probation.

Rule 8—Appeal against discharge.—A probationer who is discharged under rule 6 (ii) above shall be entitled to appeal against the order to the Chief Engineer, Public Works Department (General), who may on his own motion or otherwise revise any order discharging a probationer within one year of the date of such order. When an order discharging a probationer is set aside on appeal and the probationer is restored to service, the period on and after the date of discharge to the date of such restoration shall not count towards probation. The period of probation undergone by the probationer at the time of discharge shall however count towards the prescribed period of probation.

Rule 9—Appointment of full members.—All substantive appointments to any category or grade of posts in the schedule shall be made from approved probationers in that category or grade strictly in accordance with seniority.

Rule 10—Discipline—Penalties.—The Madras Civil Services (Classification, Control and Appeal) Rules shall not apply to these workmen—

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(a) The following penalties may, for good and sufficient reason, be imposed by the appointing authority on a member holding any post in the schedule :—

- (i) Censure.
- (ii) Fine.
- (iii) Withholding of increments or promotion.
- (iv) Reduction to a lower rank in the seniority list or to a lower post or time-scale or to a lower stage in the time-scale.
- (v) Recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders.
- (vi) Compulsory retirement.
- (vii) Removal.
- (viii) Dismissal.

In every case where it is proposed to impose on a member any of the penalties mentioned above, specific charges shall be framed against him and the case carefully investigated and he shall be given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(b) The appointing authority may place an employee under suspension from service, pending enquiry into grave charges against him, when such suspension is considered necessary in the public interest. In regard to the grant of subsistence allowance during the period of suspension, the provisions of Fundamental Rule 53 shall apply in the case of this establishment also.

(c) Every order of punishment shall state the grounds on which it is based and shall be communicated in writing to the person against whom it is passed.

Rule 11—Appeal.—(a) A member preferring an appeal against the orders of the appointing authority imposing any of the penalties specified in Rule 10 shall do so separately and in his own name.

(b) Every appeal shall be addressed to the Chief Engineer, Public Works Department (General), within three months from the date on which the appellant is informed of the order appealed against.

(c) After considering the facts of the case and the grounds of appeal, the appellate authority shall pass such orders as it considers fit.

Rule 12—Consequences of resignation.—(a) A member shall if he resigns his appointment, forfeit not only the service rendered by him in the particular post held by him at the time of resignation but all his previous service rendered under the Government.

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(b) The re-appointment of such a person shall be treated in the same way as a first appointment by direct recruitment and all rules governing such appointment shall apply, and on such re-appointment, he shall not be entitled to count any portion of his previous service for any benefit or concession admissible under any rules or orders.

Rule 13—Retirement.—The date of superannuation and compulsory retirement on account of superannuation of a member shall be the date on which he attains the age of 55 years.

Rule 14—Savings.—Nothing in these rules shall adversely affect any person who was a regular member of the work-charged establishment of the Electrical Engineer's Division on the date of coming into force of these rules.



Serial number and designation of post.	Scale of pay.	Schedule.									
		Madras City.		Coimbatore.		Visakhapatnam.		Ootacamund.		Total.	
		Number of permanent posts sanctioned.	Number of temporary posts sanctioned.	Number of permanent posts sanctioned.	Number of temporary posts sanctioned.	Number of permanent posts sanctioned.	Number of temporary posts sanctioned.	Number of permanent posts sanctioned.	Number of temporary posts sanctioned.	Number of permanent posts sanctioned.	Number of temporary posts sanctioned.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
<i>Superior establishment.</i>											
1 General Foreman	120-5-180	1	..	..	..	..	..	..	..	1	..
2 Testing Assistant, I Grade	80-5-110	1	..	..	..	..	..	..	..	1	..
3 Testing Assistant, II Grade	70-3-110	1	..	..	..	..	..	..	..	1	..
4 Junior Testing Assistant	45-2-65	5	..	..	..	..	..	..	..	5	..
5 Head Wireman	70-3-100	11	..	..	..	..	..	..	..	11	..
6 Maistries	80-5-110	7	..	..	..	..	..	1	..	8	..
7 Head Driver	70-3-100	..	..	..	..	1	..	..	..	1	..
8 Assistant Driver	45-2-65	..	..	..	..	..	..	1	..	1	..
9 Assistant Wireman	30-1-45	7	3	..	..	2	..	2	..	11	3
10 Cleaner, I Grade	30-1-45	13	4	1	..	2	..	3	..	19	4
11 Wireman	45-2-65	29	9	5	1	4	1	6	1	44	12
12 Crane Drivers	45-2-65	2	..	..	..	..	..	..	..	2	..
13 Carpenters	30-1-45	2	..	..	..	..	..	..	..	2	..
14 Fitters	45-2-65	1	..	..	..	..	..	..	..	1	..
15 Painters	31-1-45	4	1	..	..	..	..	..	..	4	1
16 Blacksmith	40-1-50	..	..	..	..	..	..	1	..	1	..
17 Lift Attendant	35-1-45	..	1	..	..	..	..	..	..	..	1
<i>Inferior establishment.</i>											
18 Cleaner, II Grade	16- $\frac{1}{4}$ (A)-25	21	8	4	1	7	2	5	1	37	12
Total		105	28	10	2	16	3	19	2	150	33

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APPENDIX II.

[Vide answer to starred question No. 193 asked by Sri T. Parushotham at the meeting of the Legislative Council held on 24th February 1955, page 118 supra.]

(a) The employees of the Government Press are asked to work overtime whenever urgent work is received at short notice. The number of employees working overtime may vary according to the nature of work and its urgency.

(b) The details are furnished below :—

Month.	Salary paid to technical staff.			Overtime allowance paid to technical staff.		
	(1)	(2)		(3)		
		RS.	A. P.		RS.	A. P.
1954—						
April	..	1,26,589	15 0		95,270	7 0
May	..	1,26,841	6 0		30,526	4 0
June	..	1,27,195	0 0		82,380	5 0
July	..	1,26,740	15 0		51,396	3 0
August	..	1,23,639	14 0		13,877	2 0
September	..	1,25,311	2 0		44,106	5 0
October	..	1,25,655	12 0		56,641	15 0

APPENDIX III.

[Vide item V on page 123 supra.]

L.A. BILL No. 2 OF 1955.

(As passed by the Assembly.)

A Bill to give relief to indebted agriculturists in the State of Madras.

WHEREAS it is expedient to enable the indebted agriculturists to repay their debts in easy instalments;
BE it enacted in the Sixth Year of the Republic of India as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Madras Indebted Agriculturists (Repayment of Debts) Act, 1955.

(2) It extends to the whole of the State of Madras.

(3) It shall be deemed to have come into force on the 1st March 1955.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) 'agriculturist' means a person who has an interest other than interest as a simple mortgagee in any agricultural or horticultural land not being a land appurtenant to a residential building, but shall not include—

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(i) any person liable to pay land revenue (which shall be deemed to include peshkush and quit rent) exceeding one hundred and fifty rupees per annum in any year after 1952-53;

(ii) any person assessed to profession tax on income derived from a profession other than agriculture under any law governing municipal or local bodies in India on a half-yearly income of more than nine hundred rupees in any half-year after 1952-53;

(iii) any person assessed in any half-year after 1952-53 to property or house tax on an annual rental value of rupees six hundred in respect of buildings (other than a building in which he lives) or lands other than agricultural lands under any law governing municipal or local bodies in India;

(iv) any person assessed to sales tax on a total turnover of not less than twenty thousand rupees in any year after 1952-53 under the Madras General Sales Tax Act, 1939 (Madras Act IX of 1939), or under the law of any other State relating to sales tax;

(v) any person assessed to income-tax under the Indian Income-tax Act, 1922 (Central Act XI of 1922), in any year after 1950-51;

(vi) a firm registered under the Indian Partnership Act, 1932 (Central Act IX of 1932), or a company as defined in the Indian Companies Act, 1913 (Central Act VII of 1913), or a corporation formed in pursuance of an Act of Parliament of the United Kingdom or of any special Indian law;

Explanation I.—Where a joint Hindu family or tarwad, tavazhi, kutumba or kavaru, is an agriculturist, every co-parcener or member of the tarwad, tavazhi, kutumba or kavaru, as the case may be, shall be deemed to be an agriculturist provided that he does not fall under any of the categories specified in sub-clauses (i) to (v).

Explanation II.—The provisions of this Act shall not apply to any person who though an agriculturist was not an agriculturist on the 1st October 1953;

(b) 'debt' means any liability in cash or kind, whether secured or unsecured, due from an agriculturists on the 1st October 1953 whether payable under a contract or decree or order of a Court, civil or revenue, or otherwise, but shall not include—

(i) any sum payable to the State or the Central Government or to any local authority;

(ii) any sum payable to any co-operative society including a land mortgage bank, registered or deemed to be registered under the Madras Co-operative Societies Act, 1932 (Madras Act VI of 1932), provided that the right of the society to recover the sum did not arise by reason of an assignment made subsequent to the 1st October 1953;

(iii) any liability arising out of a breach of trust;

(iv) any liability in respect of maintenance;

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(v) any liability in respect of wages or remuneration due as salary or otherwise for services rendered; or

(vi) any liability incurred or arising under any Chit Fund Scheme.

Explanation I.—Where a debt has been renewed or included in a fresh document executed after the 1st October 1953 whether by the same debtor or by his heirs, legal representatives or assigns or by any other person acting on his behalf or in his interest or as a result of a partition, in favour of the same creditor or his heirs, legal representatives or assigns or any other person acting on his behalf or in his interest or as a result of a partition, the amount outstanding on the 1st October 1953 and included in the document executed after the 1st October 1953 shall alone be treated as the debt for the purposes of this Act.

Explanation II.—Where a debt has been split up after the 1st October 1953 among the heirs, legal representatives or assigns of a debtor or a creditor or as a result of a partition and fresh documents have been executed in respect of different portions of the debt, each of the different portions shall be a debt for the purposes of this Act.

3. *Bar of suits and applications.*—(1) No suit for recovery of a debt shall be instituted, and no application for execution of a decree in respect of a debt shall be made, against any agriculturist in any civil or revenue Court before the expiry of four months from the commencement of this Act.

Explanation I.—Where a debt is payable by an agriculturist jointly or jointly and severally with a non-agriculturist, no suit or application of the nature mentioned in this sub-section shall be instituted or made either against the non-agriculturist or against the agriculturist before the expiry of the period mentioned in this sub-section.

Explanation II.—For the purposes of this Act, a suit in which a decree in respect of a debt is prayed for shall be deemed to be a suit for the recovery of a debt notwithstanding that other reliefs are prayed for in such suit and a decree shall be deemed to be a decree in respect of a debt notwithstanding that other reliefs are granted in such decree:

Provided that a suit for possession of land shall not be deemed to be a suit for recovery of a debt by reason merely of mesne profits being also prayed for in such suit:

Provided further that nothing contained in this section shall apply to any portion of a decree other than that relating to a debt.

(2) Where a creditor files a suit for recovery of a debt during the period specified in sub-section (1) or after the agriculturist has paid or deposited into Court the sums and instalments specified in sub-section (1) of section 4 and during the period when he is so

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entitled to pay, the Court shall in decreeing the suit direct the plaintiff to bear his own costs and pay the costs of the defendants who is an agriculturist :

Provided that nothing contained in this sub-section shall be a bar to the Court passing any order as to costs as between the plaintiff and other defendants who are not agriculturists.

4. *Payment of debt in instalments.*—(1) Notwithstanding any law, custom, contract, or decree of Court to the contrary, an agriculturist shall be entitled to pay within four months of the commencement of this Act the interest due on any debt due by him up to the commencement of this Act and one-eighth of the principal outstanding or one-fourth of the total amount outstanding, whichever is less and the balance of the debt in three equal annual instalments on or before the 1st July of each of the succeeding three years with the interest due on such instalment up to that date.

Explanation.—In the case of a decree, the amount decreed shall be deemed to be the principal.

(2) Where in respect of a decree for debt passed before the commencement of this Act, a debtor fails to make any one of the payments specified in sub-section (1) the decree-holder shall be entitled to execute the decree in respect of the instalment which is in default.

(3) In any suit filed after the commencement of this Act, the Court in decreeing the suit shall provide for the immediate payment of such instalment or instalments as would have become due under provisions of sub-section (1) and the balance in further instalments as specified therein.

(4) Where in any suit for the recovery of a debt pending at the commencement of this Act, the debtor claims to be an agriculturist the Court shall if the debtor is an agriculturist pass a decree for immediate payment of such instalment or instalments as would have become payable under the provisions of sub-section (1) and the balance in further instalments as specified therein.

(5) Nothing contained in this Act shall bar the Court from passing a decree or making an order in an application for execution of the decree under such terms and conditions as may be more favourable to the debtor than those provided for in this section either of its own motion upon a consideration of all the circumstances of the case or upon an agreement between the parties.

(6) Where in any suit to recover a debt or in any application for the execution of a decree therefor the debt is payable by an agriculturist jointly or jointly and severally with a non-agriculturist, the Court shall pass a decree or make an order for the payment of the debt found due from the agriculturist as provided in this section as against the agriculturist and make such provision in the decree or order against the non-agriculturist as the circumstances of the case may warrant.

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(7) The provisions of sub-section (1) shall for purposes of execution be deemed to be a subsequent order of Court within the meaning of clause (b) of section 48 of the Code of Civil Procedure, 1908 (Central Act V of 1908).

5. Deposit of debt into Court.—(1) An agriculturist may deposit any of the instalments as provided in section 4 into the Court having jurisdiction to entertain a suit for recovery of the debt or into the Court which passed the decree, as the case may be, and apply to the Court to record part-satisfaction of the debt.

(2) Where any such application is made, the Court shall pass an order recording part-satisfaction of the debt if the amount deposited is the correct amount.

(3) The Court shall dismiss the application—

(a) if the applicant is not an agriculturist, or

(b) if the liability is not a debt, or

(c) if the amount deposited is insufficient and the applicant on being required by the Court to deposit the deficit amount within a time fixed by the Court, fails to do so.

(4) Any agriculturist entitled to make such deposit may before the date on which any instalment is due apply to the Court having jurisdiction under sub-section (1) for an extension of time for making the deposit of the whole or any portion of such instalment and the Court may after notice to the creditor extend the time for payment of such instalment or part thereof for such period as it thinks fit.

(5) The procedure laid down in the Code of Civil Procedure, 1908 (Central Act V of 1908), for the trial of suits shall, as far as may be, apply to the applications under this section.

6. Appeals.—An appeal shall lie from an order passed by a Court under section 5, as if such an order relates to the execution, discharge or satisfaction of a decree within the meaning of section 47 of the Code of Civil Procedure, 1908 (Central Act V of 1908).

7. Presumption as to transfer of immovable property of the debtor.—(1) Every transfer of immovable property made by a debtor entitled to the benefits of this Act after the 1st October 1953 and before the complete discharge of his debt, shall, in any suit or other proceedings with respect to such transfer, be presumed, until the contrary is proved, to have been made with intent to defeat or delay the creditors of the transferor.

(2) Where a debtor entitled to the benefits of this Act has allowed, in collusion with another, his immovable property to be sold after the 1st October 1953 through Court with a view to defeat or delay his creditors, the sale shall be voidable at the option of any creditor so defeated or delayed.

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8. Exclusion of time for limitation.—In computing the period of limitation for a suit for recovery of a debt or an application for the execution of a decree in respect of a debt, the time during which the institution of the suit or the making of the application was barred under section 3 shall be excluded.

9. Effect of payment or deposit under section 4 or section 5.—Where a debt is payable by an agriculturist either by himself or jointly or jointly and severally with a non-agriculturist and where the agriculturist makes payment or deposits amount towards that debt as provided for in section 4 or section 5, a fresh period of limitation shall be computed from the time when the payment or deposit was made both against the agriculturist and non-agriculturist.

10. Power to make rules.—(1) The State Government may make rules for carrying out the purposes of this Act.

(2) The rules so made shall be placed on the table of each House of the Legislature as soon as they are published and shall be subject to such modification whether by way of repeal or amendment as the Legislature may make during the sessions in which they are so laid.



